

CEO's response to the EU lobby register consultation

http://ec.europa.eu/transparency/civil_society/public_consultation_en.htm

1. Transparency and the EU

1.1 The EU institutions interact with a wide range of groups and organisations representing specific interests. This is a legitimate and necessary part of the decision-making process to make sure that EU policies reflect the interests of citizens, businesses and other stakeholders. The decision-making process must be transparent to allow for proper scrutiny and to ensure that the Union's institutions are accountable.

a) Do you agree that ethical and transparent lobbying helps policy development?

CEO will respond "partly agree" to this question.

CEO response:

CEO considers that, in general, ethical and transparent lobbying has the potential to help policy development and it is important to make sure that the processes to secure ethical and transparent lobbying are as robust as possible. At the same time, there are numerous serious risks related to the impact of lobbying on decision-making that require a far more ambitious approach to EU lobbying regulations than is currently the case.

The Commission's November 2014 transparency reforms apply only to the top 250 or so most senior officials in the Commission. In fact, many lower level officials from among the 30,000+ Commission staff regularly meet with lobbyists, including the key TTIP negotiators, for example, but they are not included within the rules. To be a real transparency champion, the Commission must extend these rules so as to cover all Commission staff and advisers. Full minutes or meeting reports could be taken in far more lobby meetings too, and proactively published.

The tobacco industry is a sector that should be treated with extreme caution. The EU institutions must implement the World Health Organisation's Framework Convention on Tobacco Control. Article 5.3 recognises the fundamental and irreconcilable conflict of interest between the tobacco industry and public health policy-making. It also recognises that the tobacco industry has, for decades, been working to delay, block, and weaken life-saving health measures, like those enshrined in the FCTC. The accompanying guidelines stipulate that decision-makers "should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products." The guidelines state that "where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently". The European Ombudsman has [seriously criticised](#) the Commission for its poor implementation of the World Health Organisation's Framework Convention on Tobacco Control. Properly implementing the FCTC has very concrete consequences for how to reform the EU lobby transparency register and for European Commission transparency and ethics policies more generally. As part of a proper implementation of the FCTC, the Commission must start publishing details of all meetings with tobacco lobbyists online.

Transparency is only one element, albeit an essential one, of ethical lobbying. But ethical lobbying goes far beyond transparency and lobbying which is transparent is not always ethical. Lobbyists may make full disclosures according to the rules, but if certain interests outnumber and outspend others, and receive privileged access to decision-makers, and then manage to secure policies or rules which are contrary to the public interest, then arguably this is not ethical lobbying but excessive lobbying and it will not help the quality and legitimacy of policy development. Lobbying is not ethically neutral.

b) It is often said that achieving appropriate lobbying regulation is not just about transparency, i.e. shedding light on the way in which lobbyists and policy-makers are operating. Which of the below other principles do you also consider important for achieving a sound framework for relations with interest representatives?

CEO will respond “other” to this question.

CEO response:

There are various additional aspects of ethical lobbying.

Stopping the privileged access by business interests: Lobbyists representing businesses and trade associations make up 75 per cent of all high-level Commission lobby meetings and more than 80 per cent in certain areas such as financial regulation or the internal market, according to [ALTER-EU analysis](#) conducted in 2015. Yet the Commission has committed to deliver balance in stakeholder representation. Furthermore, and as repeatedly recognised by the European Parliament, the domination of the Commission's expert/ advisory groups by corporate interests is detrimental to public interest policy-making and can lead to biased outcomes in favour of vested interests and to the detriment of the general, public interest. This is particularly worrying as some groups have even de facto written the first drafts of legislation. The EU institutions need a far more ambitious policy of preventing regulatory capture at all stages of decision-making. This should include far more pro-active policy – across the European Commission - of consulting with EU citizens, with public interest NGOs and with independent experts. Preventing privileged access to the Commission by business interests might require limiting the number of meetings and other interactions with business lobbyists to avoid excessive influence as compared to other stakeholders, notably civil society organisations that represent general and non-financial interests.

Prioritising the public interest: Public and private (business) interests very often conflict (e.g. public health interests and tobacco industry interests) and it is thus impossible that all policies can always “reflect the interests of citizens, businesses and other stakeholders” alike. An ethical approach to both lobbying and decision-making of public institutions would recognise this, and ensure that public interests ultimately prevail.

Preventing unscrupulous lobbying: Lobbying in the context of a conflict of interest or in a 'revolving door' scenario would fall into the category of unscrupulous lobbying. Lobbying which occurs in the context of generous gifts, hospitality, trips, or promises of future employment is similarly unscrupulous, as is inappropriate lobbying, such as bullying someone to deliver a specific outcome. CEO also considers that lobbying on behalf of repressive regimes would also fall into this category and should be prevented.

Severely restricting lobbying on behalf of 'toxic' industries: The WHO's FCTC must be fully implemented and similar approaches should be explored for other industries which promote toxic products.

Ethics rules for those in the institutions: It is not just about rules for lobbyists, but there need to be far tougher codes of conduct and rules for individuals with the institutions and those who have recently left. Such rules would, for example, prevent MEPs having lobby-related side jobs and/ or block the revolving door.

c) In your opinion, how transparent are the European institutions as public institutions?

CEO will respond “No opinion” to this question.

CEO response:

The EU institutions have introduced some important transparency measures. However, there is much that could be improved across the EU institutions to boost transparency.

Lobby register: As mentioned elsewhere there should be a legally-binding register with

comprehensive disclosure requirements and an active monitoring and enforcement arm, which covers lobbying in all the EU institutions and executive agencies.

Proactive meetings transparency: All EU institutions should only meet with registered lobbyists (or those who fall under the threshold for registering under a legally-binding lobby register), lists of meetings should be proactively published and reports of lobby meetings held by EU officials should be kept and should be release-able under access to documents. Electronic lists of meetings should be held in centralised, searchable databases.

Tobacco lobby: All organisations signed up to the WHO's FCTC should make sure its policies and practices are fully compliant with it, including to require full transparency on all contacts with the tobacco industry. The WHO guidelines also specifically call for "rules for the disclosure or registration of the tobacco industry entities, affiliated organisations and individuals acting on their behalf, including lobbyists". The current Transparency Register does not deliver adequate levels of transparency around tobacco industry lobbying. To move towards serious implementation of Article 5.3 of the FCTC, the Commission must secure strong improvements to the Transparency Register that effectively prevent secretive tobacco lobbying. A legally-binding lobby register is needed to secure full lobby transparency but as an intermediate step, the Commission should ensure that all its officials only meet with registered lobbyists

Trilogues: These informal inter-institutional meetings between the European Parliament, the Council of the European Union and the European Commission have become an established feature of EU decision-making, but often undermine accountability and transparency of the EU legislative process. Very little information is available to the public because these meetings take place behind closed doors and only well-resourced and/ or well-connected lobbies have access to trilogue documents. We call for the publication of all documents in a timely and systematic manner, public access to meetings, and access to any reports or notes discussed over the course of the process, in line with the procedures for normal Parliament committee meetings.

TTIP: The European Commission should follow the European Ombudsman's recommendations and provide full transparency on the TTIP negotiations. This includes the publication of the consolidated texts as soon as they are agreed by the negotiators. It should also extend the proactive publication of lobby meetings to all negotiators involved in the negotiations.

1.2 The Transparency Register provides information to politicians and public officials about those who approach them with a view to influencing the decision-making and policy formulation and implementation process. The Register also allows for public scrutiny; giving citizens and other interest groups the possibility to track the activities and potential influence of lobbyists. Do you consider the Transparency Register a useful tool for regulating lobbying?

CEO will reply "somewhat useful" to this question.

CEO response:

CEO has long-supported the idea of a lobby register as a tool to bring transparency to EU lobbying. However, the present register is highly-flawed and serious changes must result from this consultation and review process if it is to become the very useful tool which we all desire.

For CEO, a lobby register which is no longer voluntary, but which is backed by the force of law, is essential if all lobbyists are to sign-up and if the register is to contain data which provides an accurate snapshot of lobbying in the EU institutions so that citizens can see who is influencing EU decision-making, on which issues, on whose behalf, and with what budgets.

As a result, we wish to see a commitment to start negotiating a legally-binding lobby register in place by 2017. A legally-binding lobby register would give the authorities the opportunity to levy fines or other real sanctions on those who refuse to register. Such legislation could also bestow proper enforcement mechanisms on the authorities so that they can take tough action against

those who post inaccurate information or who otherwise break the rules. A legally-binding lobby register should be introduced alongside a clear threshold for registration which clarifies what constitutes 'lobbying' and which contacts with decision-makers do not eg. citizens contacting their local MEP.

In the meantime, before a legally-binding lobby register is introduced, it will be important to continue to introduce further incentives to encourage registration now, and this will be discussed this further below.

2.1 Activities covered by the Register include lobbying, interest representation and advocacy. It covers all activities carried out to influence - directly or indirectly - policymaking, policy implementation and decision-making in the European Parliament and the European Commission, no matter where they are carried out or which channel or method of communication is used.

This definition is appropriate?

CEO will reply "fully agree" to this question.

CEO response:

We consider that the definition of lobbying / interest representation in the lobby register is one of the strongest elements of the present set-up, including the important inclusion of both direct and indirect lobbying. All efforts should be made to resist any demands to weaken it.

2.2 The Register does not apply to certain entities, for example, churches and religious communities, political parties, Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Regional public authorities and their representative offices do not have to register but can register if they wish to do so. On the other hand, the Register applies to local, municipal authorities and cities as well as to associations and networks created to represent them.

CEO will reply "Changed to include certain types of entities" to this question.

CEO response:

It is essential that all third country (ie those outside of the EU) governments should also be covered by the register, and required to register. Furthermore, the lobby firms, PR firms and law firms employed to lobby the EU institutions on behalf of third country governments, or to promote their image, should be required to declare all such clients. See our report on this issue: <http://corporateeurope.org/pressreleases/2015/01/european-pr-firms-whitewashing-brutal-regimes-report> Of particular concern are the firms working for some of the world's most autocratic regimes and human rights-abusing governments. Too many European PR firms and lobby consultancies are being paid to whitewash repressive regimes' images, smear dissidents and opponents, run their elections, hide their abuses, and lobby for lucrative investment, trade, aid, and political support from the EU institutions. The US has strict reporting requirements for representatives of foreign agents and the EU should follow suit. The Code of Conduct should reflect this (see below).

Additionally, CEO considers that all churches and religious communities, political parties, and regional public authorities and their representative offices should register if they are undertaking lobbying/ representing their own interests, according to the definition provided. There is no rationale for their exclusion: some of the distinctions (eg between a city and a regional government) are arbitrary, and it is also clear that each of these entities have 'interests' and there is a strong public interest in citizens knowing what lobbying they carry out.

Finally, the register applies to law firms but many refuse to register correctly, although some do. It is imperative to find a solution so that law firms which lobby join the register. A legally-binding

register is the obvious long-term solution.

3.1 What is your impression of the Register web site?

CEO response:

It is true to say that the register website was improved in the relaunch of April 2015. However we wish to make these comments:

- The search function should be improved and sensitised. For example, a search for "exxon" only pulls up two lobby firms which list ExxonMobil as a client. The full entry for ExxonMobil Petroleum & Chemical only comes up separately. Instead, a search for "Exxon" should bring up all references to "exxon" across the register, wherever they might appear.*
- 'Participation in EU structures and platforms' should be via a direct link to the Commission's expert groups database, so that expert groups are directly referenced by their code in the expert groups register*
- A list of 100 most recent registrants would be useful. The present list is too short.*
- The news listing is not prominent enough and is too far down the home page. All 'news' postings should be notified to those registered. Previously important documents have been published but not been seen.*
- Currently data on the Commission's lobby meetings is provided only via numerous html pages. This data should also be provided in one big, daily updated xml file to allow tools like LobbyFacts to function more smoothly and more reliably.*
- We also propose that the technical team for the lobby register should be open for practical suggestions by outside users.*

4. Final comments or ideas on any additional subjects that you consider important in the context of this public consultation

CEO response:

In addition to the above comments, including about the need for the introduction of a legally-binding lobby register, further important changes are required:

Effective data monitoring: The quality of the data in the lobby register is extremely poor and Transparency International estimates that around half of the entries are problematic, as evidenced by their complaint to the register authorities. Our lobby-data crunching tool LobbyFacts recently found that seventy six per cent of the entries at the top of the lobby register were flawed and that of the 51 organisations declaring the highest lobby spend, only 12 were likely to, in fact, be among the biggest lobbyists. We also found that there was only one reliable-looking entry among the 30 entries declaring the highest lobby spend. This 'dodgy data' problem must change if citizens are to have confidence in the system. The human resources and software capacity devoted to the EU lobby register, as well as its investigatory and enforcement powers, need to be totally transformed so that effective monitoring checks are carried out on at least 20 per cent of all declarations each year, and all complaints are dealt with speedily. Particular priority should be allocated to ensuring the accuracy of the financial data within registrations.

Improved sanctions to boost data quality and registrations: Submitting inaccurate and / or misleading information must be specified as an offence, punishable by suspension and a fine. Suspended lobby groups should be placed on a public list. Law firms which do not register at all, or which register but do not disclose their clients, remain real weaknesses in the register's regime. As long as the register is not legally binding, other ways of bringing them into the register have to be found.

Meetings with registered lobbyists: The Commission's lobby meeting policy should be immediately

extended so that no Commission official is allowed to meet with unregistered lobbyists. Additionally, if MEPs, their staff and Parliament staff choose to meet with lobbyists, they should first ensure they are registered.

Include the European Council, Council and permanent representations: The European Council and Council are significant EU institutions and the EU lobby register should be extended to fully include the European Council, the Council and permanent representations.

Changes to the lobby transparency register disclosure requirements: A series of detailed changes are required to the rules of the lobby register in order to further boost data quality and to ensure that the register presents a reliable picture of lobbying at the EU level and we will detail these below.

B. SPECIFIC PART (13 questions)

1. Structure of the Register

1.1 The Register invites organisations to sign up under a particular section, for example, professional consultancies, NGOs, trade associations, etc (Annex I of the Interinstitutional Agreement). Have you encountered any difficulties with this categorisation?

No

CEO comment:

CEO has found amongst the many anomalies and data inaccuracies in the register, that a high number of general consultancy services providers are registered in the lobby consultancy category, and many business associations and NGOs are registered as think tanks. Some of these could be easily dealt with by using clearer titles and descriptions for the different categories and by providing examples to indicate how certain kinds of organisations should categorise themselves. For example, professional consultancies should be re-named as 'lobby consultancies'.

2. Data disclosure and quality

2.1 Entities joining the Register are asked to provide certain information (contact details, goals and remit of the organisation, legislative dossiers followed, fields of interest, membership, financial data, etc) in order to identify the profile, the capacity of the entity and the interest represented (Annex I of the Interinstitutional Agreement).

The right type of information is required from the registrant?

CEO will reply "too little is asked" to this question.

CEO response:

A series of detailed changes are required to ensure that the register presents a reliable picture of lobbying at the EU level:

Financial disclosure: Currently, lobby consultancies and law firms are required to disclose their lobby turnover but only in some very broad bandwidths which become less transparent the bigger the sums involved. This is clearly nonsensical and lobby turnover should be disclosed to the nearest 10,000 euros. The same problem occurs when these registrants are asked to declare their lobby revenue per client, per annum. All client lobby revenue for the previous year should be precisely declared; all client revenue for the current year should be declared to the nearest 10,000 euros. For other registrants, lobby spending should be disclosed to the nearest 10,000 euros. There should be compulsory twice-a-year updates to the lobby register including financial information, lobby clients, lobbyist names etc. We also consider that the full turnover / budget for lobby consultancies and trade associations should be declared, matching what NGOs and think tanks already do. We specify those as they are organisations which do a significant amount of

lobbying as their core work. All registered organisations should specify the expenditure of any Brussels based offices. Think-tanks should be required to publish a list of their funders and the sums involved.

Lobby issue disclosure: Currently all registrants are required to record the main EU initiatives, policies and legislative files lobbied on. Unfortunately, this area of the register is poorly policed with too many organisations making only general, imprecise declarations; this needs remedying so that the register provides a clear picture of who is lobbying on what. Furthermore, all lobby consultancies and law firms should be required to list, alongside the specific lobby revenue received from each client, the precise issues upon which they lobby and / or advise each client.

Lobbyists' names disclosure: If the names of all individuals lobbying on behalf of a registrant were listed, it would have two big benefits: preventing the numerous lazy entries in the register which mistake whole staff bodies or membership as 'lobbyists' and who thus declare thousands of lobbyists; and bringing more transparency around the revolving door, making it possible to better track the lobby activities of former commissioners, officials, MEPs and others.

Disclosure of lobbying through third parties: Registrants should specify all third party organisations which it pays (via membership fees, donations, payments for lobbying services provided etc) through which it conducts its lobbying and indicate how much it pays to them: law firm, lobby consultancy, business group, NGO coalition, or grass-roots organisation or others. This should lead to better financial disclosure and ensure that those who back 'astroturf' or so-called front groups, have to declare it.

2.2 It is easy to provide the information required?

2.3 Do you see any room for simplification as regards the data disclosure requirements?

CEO will reply "no" to this question.

CEO response:

For CEO, there is no rationale to simplify the data disclosure requirements, especially if that ultimately leads to less data being disclosed. Rather, as set out above, the data disclosure requirements need strengthening. More effort could instead be made to simplify and clarify the accompanying guidance. The guidance and key elements from the IIA could be incorporated into one document and could be easily accessible (as clickable information points) as registrants go through the update process. More use could be made of hypothetical examples and more emphasis placed on best practice.

2.4 What is your impression of the overall data quality in the Register:

CEO will reply "poor" to this question.

CEO response:

Transparency International has estimated that over half of the entries on the lobby register contain factual errors or implausible numbers and it made a formal complaint about over 4,200 entries! This reflects the scale of the challenge and the current lack of capacity of the secretariat to properly monitor the data in the register.

The human resources and software capacity devoted to the EU lobby register, as well as its investigatory and enforcement powers, need to be totally transformed so that effective monitoring checks are carried out on at least 20 per cent of all declarations each year, and all complaints are dealt with speedily. Particular priority should be allocated to ensuring the accuracy of the financial

data within registrations and we consider that software could easily be used to alert registrants to particularly unlikely-looking postings (see below for more detail) and to highlight unlikely-looking entries to staff, enabling speedy follow-up investigations by staff.

3. Code of Conduct and procedure for Alerts and Complaints

3.1 The Code of Conduct sets out the rules for all those who register and establishes the underlying principles for standards of behaviour in all relations with the EU institutions (Annex III of the Interinstitutional Agreement).

The Code is based on a sound set of rules and principles?

CEO will reply “partially agree” to this question.

CEO response:

The Code of Conduct covers many important points although some important phrases such as “inappropriate behaviour” remain undefined. This should be remedied, perhaps along the line of the European Parliament's decision of April 2014 on the [modification of the interinstitutional agreement on the Transparency Register](#).

The Code of Conduct should prohibit the representation by private firms (including lobby firms, PR firms, law firms) of regimes the EU considers to be in breach of human rights. The Code of Conduct should also prohibit the representation by private firms of the tobacco industry. According to the World Health Organisation's Framework Convention on Tobacco Control, contacts with the tobacco industry should be kept to a minimum and there is no role for the EU institutions to communicate with the industry through such intermediaries.

A further concern is that the Code of Conduct is too indirectly linked to the system of sanctions. Breaches of the Code of Conduct should be more readily sanctioned; see below for more information.

3.2 Anyone may trigger an alert or make a complaint about possible breaches of the Code of Conduct. Alerts concern factual errors and complaints relate to more serious breaches of behavioural nature (Annex IV of the Interinstitutional Agreement).

a) The present procedure for dealing with alerts and complaints is adequate.

CEO will reply “Disagree” to this question.

CEO response:

The present system for dealing with alerts and complaints and the general maintenance of the register is far from adequate. The secretariat for the current (voluntary) EU lobby register, with its 9000+ registrations, is staffed by only a handful of people (ratio: 1 staff member per 3653 registrants). This is seriously inadequate considering [the Canadian register](#) with its 2650 registrations has 28 staff members to administer and police the system, including a 'commissioner of lobbying' (ratio: 1 staff member per 95 registrants). The Commission should significantly boost the resources devoted to the register.

Currently, the only real sanction available to the lobby register authorities is removal from the register and this can only occur in cases where there has been “non-cooperation” with the secretariat, “inappropriate behaviour” or “serious non-compliance” with the [code of conduct for lobbyists](#). While ALTER-EU and CEO have [complained](#) to the secretariat about a number of corporate lobby groups who have submitted inaccurate register entries, no punitive action has been taken and such organisations have been able to maintain the privileges that come with being part of the lobby register, including having European Parliament access passes and holding lobby meetings with commissioners or other senior staff at the Commission. This must change if citizens are to have confidence in the system. Submitting inaccurate and / or misleading information must

be specified as a punishable offence. Fines should be imposed when wrong or misleading data has been posted. If such data is not remedied or justified within a month of the secretariat raising it with the registrant, it should lead to the suspension of all privileges which come from being part of the register for up to one year, depending on the severity of the offence. Suspended lobby groups should be placed on a public blacklist and should be suspended from expert groups and lose access to the Commission and Parliament.

Meanwhile, a future legally-binding lobby register should implement a system of fines and criminal prosecutions for serious breaches of the rules, putting it on a par with other similar systems in the US and Canada.

b) Do you think that the names of organisations that are suspended under the alerts and complaints should be made public?

CEO will reply "Yes" to this question.

CEO response:

Yes, this is absolutely crucial as the threat of bad publicity from suspension should act as a further incentive to keep registrations and data up to date. Furthermore, in the interim period before a legally-binding lobby register comes into force, it will provide a source of important information for MEPs, their staff and all other officials across the EU institutions when considering whether to accept an invitation or written correspondence from a lobby organisation.

4. Register website – registration and updating

4.1 How user-friendly is in your opinion the Register website in relation to registration and updating?

CEO comment:

We suspect that a good proportion of the errors in the data posted on the lobby register are accidental or inadvertent. The register's software could help identify and warn about possible errors while a registration/ update is underway, by alerting the registrant to a possible concern ie. a large number of lobbyists; large lobby costs; law firm or lobby consultancy posting no clients; an unlikely ratio between lobby costs and lobby staff; posting lobby costs of less than 100 euros; data is substantially different from previous entries; and other examples.

Furthermore, we consider that the register would be far more effective and precise if all registrants were required to submit at least two updates per year, and on shared dates ie. 31 January and 31 July. At the moment, the 9000+ organisations in the register are only required to submit one annual update to their registration and this can happen at any point in the year. As a result, the data posted, especially in the area of spending on lobbying, is tricky to compare and contrast as it relates to different time periods. Such a reform would also help to enforce the current rule that all registrants should use the financial data from the most recently-closed financial year.

5. Current advantages linked to registration

5.1 The European Parliament and the European Commission currently offer certain practical advantages (incentives) linked to being on the Register. The Commission has also announced its intention to soon amend its rules on Expert groups to link membership to registration. Which of these advantages are important to you?

CEO comment:

In the interim period before a legally-binding lobby register comes into force, these 'carrots' can be

important in incentivising participation in the register. However, we wish to make a few important points:

- *The Commission's policy that only senior elite in the Commission meet with registered lobbyists is not currently error-free and we are aware of various meetings which have occurred which breach these rules. More effort is needed to properly implement this and other measures if they are to have integrity.*
- *Such policies only boost the number of registrations; they do nothing to improve the data quality in the register, and arguably there are many lobby groups accessing the elite of the Commission or gaining access passes to the Parliament on the basis of flawed or even misleading lobby register entry.*
- *These incentives would have far more effect if the power to suspend organisations from the register, and thus from these privileges, was extended to include the posting of inaccurate or misleading lobby data.*
- *Overall, such incentives do not replace the need for a legally-binding register.*

6. Features of a future mandatory system

6.1 Do you believe that there are further interactions between the EU institutions and interest groups

that could be made conditional upon prior registration (e. g. access to MEPs and EU officials, events, premises, or featuring on specific mailing lists)?

CEO will reply "Yes" to this question.

CEO response:

We consider that, in the interim period before a legally-binding lobby register comes into force, the following interactions should be made conditional upon prior registration:

European Commission:

- *Any lobby meeting with any Commission official*
- *Any participation in expert groups, advisory groups, market access groups*
- *Any attendance by Commission staff and commissioners at meetings and other events organised by lobbyists*

European Parliament:

- *All meetings by MEPs, their staff and Parliament with lobbyists*
- *All events in the Parliament's premises organised by lobbyists*
- *Any participation by MEPs, their staff and Parliament staff at events and activities organised by lobbyists*
- *Any participation in official Parliament intergroups and unofficial cross-party groups which organise events inside the Parliament*

European Council, the Council, and member states

- *Any lobby meeting held by President Donald Tusk, members of his Cabinet, and staff from the secretariat*
- *Any lobby meeting held by the general secretariat of the Council*
- *Any lobby meeting held by the Permanent Representations on EU decision-making matters*
- *Any lobby meeting held by staff from the European External Action Services, high-level representative Federica Mogherini and her Cabinet*

However, it is important to remember that even if all of these incentives are implemented, they will still only lead to a de facto mandatory register. There remains a pressing need for a legally-binding register.

6.2 Do you agree with the Commission's view that the Council of the EU should participate in the new Inter-institutional Agreement on a mandatory Register?

CEO will reply "Yes" to this question.

CEO response:

The European Council and Council are significant EU institutions and important lobbying also occurs towards the member states' permanent representations in Brussels. CEO supports the extension of the EU lobby register to fully include the European Council, the Council and permanent representations and we recently – together with ALTER-EU - published a report on this matter. <http://alter-eu.org/documents/2016/03-0>

However, if there is no likelihood that these bodies will join the register, the Commission and Parliament should proceed to revise the present register and set-up legally-binding system. Recalcitrance on the part of the other institutions should not prevent progress on a new register.

7. Looking beyond Brussels

7.1 How does the Transparency Register compare overall to 'lobby registers' at the EU Member State level?

CEO will reply "No opinion" to this question.

CEO response:

It is disappointing that this consultation has confined itself to only look at good practice in the EU when there are well-known and good examples of lobby registers in others parts of the world including the US and Canada.

CEO considers that the EU institutions should set best practice standards for strong transparency requirements to serve as an example for members states.

8. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

CEO response:

It is good to see this consultation process. However it will be important that the process of the inter-institutional agreement which follows is also conducted openly; previous processes have been far too opaque. Meetings of the high-level working group of the European Commission, Parliament and Council that will discuss the new IIA should be open to the public and web-streamed. The draft agreement, proposed changes, agendas and minutes should be made available online promptly.

Finally, all EU institutions should conduct regular reviews of their transparency rules and the way in which they are implemented so as to constantly strive for better and more comprehensive transparency. This would include, but not be limited to, the EU lobby transparency register.