

EUROPEAN PARLIAMENT

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Committee on Legal Affairs

2007/2115(INI)

20.12.2007

OPINION

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on the development of the framework for the activities of interest
representatives (lobbyists) in the European institutions
(2007/2115(INI))

Draftswoman: Diana Wallis

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SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Considers that lobbying has an important and legitimate role to play in the policy process;
2. Considers it essential that representatives of civil society should have access to the European institutions, first and foremost the European Parliament;
3. Recalls that the European Parliament has had rules concerning access by lobbyists and their registration in a public register since 1996; considers, however, that the need for a more structured and rigorous framework for the activities of interest representatives is fundamental not only to the functioning of an open and democratic Union but also to the public perception of its work on the part of citizens and other parties; considers that, since lobbying practices continue to evolve over time, any rules regulating such practices must be sufficiently flexible to adapt swiftly to change;
4. Considers that the rules on lobbying at the European Parliament should also cover lobbying activity addressed to committee secretariats, staff of political groups and Members' advisers and assistants;
5. Expresses doubts as to the fairness and effectiveness of the voluntary system proposed by the Commission, and notes that it will review the operation of the register one year after its entry into effect;
6. Considers that, if the registration system is made compulsory, all lobbyists should be treated equally and the definition of lobbyist should cover not only professional lobbying firms and their PR consultants but also industry in-house employees, sectoral umbrella organisations, think tanks, NGO representatives, government/regional authorities and lawyers acting as lobbyists; is of the opinion that lobbying should be understood in the broadest sense of the term, including, *inter alia*, influencing political decision-making without seeking to get elected and with or without direct economic gain, so that voluntary lobbyists too should register under the compulsory system;
7. Considers that it is in the common institutional interest to bring more light to lobbying and takes the view, therefore, that the operation of both institutions' work in this field should be effectively linked;
8. Considers that careful consideration needs to be given to the activities of lobbyists and interest groups vis-à-vis Council members in the context of codecision matters;
9. Considers, at all events, that Parliament must retain its autonomy vis-à-vis other institutions as regards relations with interest representatives, including the rules on the transparency of its activities;
10. Considers it essential that lawyers acting as lobbyists should not be exempt from this initiative and its rules on registration; encourages the Commission to determine a

formula which allows lawyers and their clients the justified protection afforded by their rules of professional conduct when they are truly acting in a professional legal capacity, including in particular all activities carried out by a lawyer in connection with any representation of a client in judicial, quasi-judicial, administrative, disciplinary and other proceedings, for example when providing legal advice on staff cases, anti-dumping cases or competition law proceedings, including mergers and state aid and legal advice on the way in which the political and decision-making processes of the European institutions function;

11. Considers that, although some form of financial disclosure is necessary and should be clear and non-discriminatory, this should only be part of an overall picture; is of the opinion that other issues apart from financial backing can be equally important, and is therefore convinced that transparency as to the identity of lobbyists and their clients is the most important factor; maintains, however, that the professional regulations applying in Member States, whereby given categories of lobbyists are required to exercise certain duties of discretion in relation to their customers and clients, have to be observed without fail;
12. Considers that the financial disclosure should take into account relevant business and competition issues and should not be too prescriptive; is of the opinion that it should be enough to disclose the overall volumes of lobbying activity and the list of clients without indicating the individual fees or client-by-client proportionate amounts;
13. Considers it necessary to have the same level of financial disclosure also for the voluntary lobbying often done by NGOs, and demands that the public be given more information about the finances of not-for-profit organisations and the funding of their lobbying campaigns and material;
14. Expresses support for the idea that Parliament's rapporteurs should produce a "legislative fingerprint" of their activity, reflecting in a transparent manner the breadth of lobbying, advice and input they have received during their time as rapporteur;
15. Maintains that Parliament has to decide entirely independently what account it will take of opinions originating from civil society;
16. Believes that the recommendations contained both in this opinion and in the report drawn up by the committee responsible necessitate review and action by Parliament in relation to its own rules and Code of Conduct and its joint working with the Commission and the Council; accordingly, recommends the setting-up, by no later than the first quarter of 2008, of a Members' Working Group within Parliament to work together with the Commission and with the Council in this area.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	19.12.2007
Result of final vote	+: 17 -: 0 0: 1
Members present for the final vote	Carlo Casini, Titus Corlăţean, Bert Doorn, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Klaus-Heiner Lehne, Katalin Lévai, Antonio Masip Hidalgo, Manuel Medina Ortega, Aloyzas Sakalas, Francesco Enrico Speroni, Diana Wallis, Tadeusz Zwiefka
Substitute(s) present for the final vote	Sharon Bowles, Vicente Miguel Garcés Ramón, Eva Lichtenberger, Marie Panayotopoulos-Cassiotou, Michel Rocard
Substitute(s) under Rule 178(2) present for the final vote	