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REPORT

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

Committee on Constitutional Affairs

Rapporteur: Alexander Stubb

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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

The European Parliament,

- having regard to Rule 9(4) of its Rules of Procedure,
 - having regard to the Green Paper entitled 'European Transparency Initiative' presented by the Commission (COM(2006)0194),
 - having regard to the Commission Communication entitled 'Follow-up to the Green Paper 'European Transparency Initiative' (COM(2007)0127),
 - having regard to the Commission draft Code of Conduct for Interest Representatives launched on 10 December 2007,
 - having regard to its decision of 17 July 1996 on the amendment of its Rules of Procedure (lobbying in Parliament)¹,
 - having regard to its decision of 13 May 1997 on the amendment of its Rules of Procedure (Code of Conduct governing lobbyists)²,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Budgetary Control, the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs (A6-0105/2008),
- A. whereas lobbying in the European Parliament has increased considerably as Parliament's competencies of have expanded,
- B. whereas the aim of lobbying is to influence not only policy and legislative decisions, but also the allocation of Community funds and the monitoring and enforcement of legislation,
- C. whereas, following the expected ratification of the Lisbon Treaty, Parliament's powers will be increased so that it will become co-legislator throughout almost the entire normal legislative procedure, therefore attracting the focus of even more lobby groups,
- D. whereas interest representatives play an essential role in the open and pluralistic dialogue on which a democratic system rests, and are an important source of information for its Members in carrying out their mandate,

¹ OJ C 261, 9.9.1996, p. 75.

² OJ C 167, 2.6.1997, p. 22.

- E. whereas lobby groups not only lobby its Members but also attempt to influence Parliament's decisions by lobbying officials working in the secretariat of the parliamentary committees, political group staff and Members' assistants,
- F. whereas it is estimated that there are about 15 000 lobbyists and 2 500 lobbying organisations in Brussels,
- G. whereas the Commission has proposed that a common register be introduced for interest representatives in the EU institutions as a part of its European Transparency Initiative,
- H. whereas Parliament has had its own register for lobbyists¹ from as long ago as 1996, as well as a Code of Conduct² which includes a commitment for registered lobbyists to act in accordance with high ethical standards,
- I. whereas there are currently approximately 5 000 registered lobbyists in Parliament,
- J. whereas the lobby groups include local and national organisations whose activities the Member States are responsible for regulating,

Improving Parliament's transparency

1. Recognises the influence of lobby groups on EU decision-making and therefore considers it essential that Members of Parliament should know the identity of the organisations represented by lobby groups; emphasises that transparent and equal access to all the EU institutions is an absolute prerequisite for the Union's legitimacy and trust among its citizens; stresses that transparency is a two-way street that is needed both in the work of the institutions themselves and among the lobbyists; stresses that equal access for lobby groups to the EU institutions increases the expertise available for running the Union; considers it essential that representatives of civil society have access to the EU institutions, first and foremost to Parliament;
2. Considers that its Members have a responsibility on their own part to ensure that they receive balanced information; stresses that its Members must be deemed capable of making political decisions independently of lobbyists;
3. Acknowledges that a rapporteur may, as he or she sees fit (on a voluntary basis), use a "legislative footprint", i.e. an indicative list (attached to Parliament's reports) of registered interest representatives who were consulted, and had significant input, during the preparation of the report; considers it particularly advisable that such list be included in legislative reports; stresses, nevertheless, that it is even more important for the Commission to attach such "legislative footprint" to its legislative initiatives;
4. Maintains that Parliament must decide entirely independently to what extent it will take account of opinions originating from civil society;
5. Notes the current rules under which its Members are required to declare their financial interests; invites its Bureau, on the basis of a proposal from the Quaestors, to draw up a

¹ Rule 9(4) of the Rules of Procedure.

² Annex IX, article 3 of the Rules of Procedure.

plan to further improve the implementation and monitoring of Parliaments' rules under which a Member must declare any support which he or she receives, whether financial or in terms of staff or materials¹;

6. Notes the current rules on Intergroups which require declarations of funding; calls for further clarity in relation to Intergroups, i.e. a list of all existing, registered and non-registered Intergroups on Parliament's website, including full declaration of outside support for the activities of Intergroups as well as a statement of the intergroup's broad aims; stresses, however, that Intergroups shall in no way be considered organs of Parliament;
7. Calls for the Bureau, based on a proposal by the Quaestors, to look into ways of restricting unauthorised access to the levels on which its Members' offices are situated in Parliament's buildings, whereas access to committee rooms by the public should be limited only in exceptional circumstances;

Commission proposal

8. Welcomes the Commission's proposal for a more structured framework for the activities of the interest representatives as a part of the European Transparency Initiative;
9. Agrees with the Commission's definition of lobbying as "activities carried out with the objective of influencing the policy formulation and decision-making processes of the EU institutions"; considers this definition to be in line with Rule 9(4) of its Rules of Procedure;
10. Emphasises that all actors, including both public and private interest representatives, outside the EU institutions falling within that definition and regularly influencing the institutions should be considered lobbyists and treated in the same way: professional lobbyists, companies' in-house lobbyists, NGOs, think-tanks, trade associations, trade unions and employers' organisations, profit-making and non-profit organisations and lawyers when their purpose is to influence policy rather than case-law; stresses also, however, that regions and municipalities of the Member States, as well as political parties at national and European level and those bodies which have legal status under the Treaties do not fall within the scope of these rules when they are acting in accordance with the role, and carrying out the tasks of such bodies, as provided for in the Treaties;
11. Welcomes in principle the Commission's proposal for a "one-stop shop" where lobbyists could register with both the Commission and Parliament and calls for an interinstitutional agreement on a common mandatory register between the Council, the Commission and Parliament that would be applicable in all institutions and include full financial disclosure, a common mechanism of expulsion from the register and a common code of ethical behaviour; recalls, however, the essential differences between the Council, the Commission and Parliament as institutions; reserves, therefore, the right to evaluate the Commission's proposal when it is finalised and, only then, to decide on whether or not to support it;
12. Recalls that the number of lobbyists who have access to Parliament must remain

¹ Annex I, article 2 of the Rules of Procedure.

reasonable; suggests, therefore, the adoption of a system under which lobbyists need register only once with all institutions and each institution may decide whether to grant access to its premises, thus allowing Parliament to continue to limit the number of badges provided to each organisation/company to four;

13. Calls for mutual recognition between the Council, the Commission and Parliament of separate registers in the event that a common register is not achieved; suggests that, in the absence of arrangements by the institutions for a common register, their individual web-based registers should include links to the other registers in order to enable comparison of lobbyists' entries; calls on the Secretary General to move Parliament's list of representatives of accredited interest groups to a more easily accessible location on Parliament's website;
14. Proposes that a joint working group of Council representatives, Commissioners and Members of the European Parliament, appointed by the Conference of Presidents, will be set up promptly, with the aim of considering, by the end of the year 2008, the implications of a common register for all lobbyists who wish to have access to the Council, to the Commission or to Parliament and the elaboration of a Common Code of Conduct; instructs its Secretary General to take the appropriate steps;
15. Urges the Council to join a possible common register; is of the opinion that careful consideration needs to be given to the activities of lobbyists vis-à-vis the Council Secretariat in the context of codecision matters;
16. Notes the Commission's decision to start with a voluntary register and to evaluate the system after one year, but is concerned that a purely voluntary system will allow less responsible lobbyists to avoid compliance; calls on the three institutions to review the rules governing the activities of lobbyists at the latest three years after a common register enters into force, in order to evaluate if the changed system is achieving the necessary transparency on lobbyists' activities; is aware of the legal basis for a mandatory register provided by the Treaty of Lisbon and decides in the meantime to cooperate with the institutions by way of an interinstitutional agreement on the basis of the existing registers; considers that mandatory registration should be a requirement for lobbyists who wish to have regular access to the institutions, as is already de facto the case in Parliament;
17. Considers that, since lobbying practices continue to evolve over time, any rules regulating such practices must be flexible enough to adapt swiftly to change;
18. Notes the Commission's draft Code of Conduct for interest representatives; reminds the Commission that Parliament has already had such a code for over 10 years and asks the Commission to negotiate with Parliament for the establishment of common rules; is of the opinion that any code should ensure a strong monitoring element with regard to the conduct of lobbyists; stresses that sanctions should apply to lobbyists who breach the code of conduct; emphasises that sufficient resources (staff and funding) must be set aside for the purposes of verifying the information in the register; considers that for the Commission's register sanctions may include the suspension from the register, in more serious cases removal from the register; believes that once a common register is established, misbehaviour of lobbyists should lead to sanctions in relation to access to all institutions to which the register applies;

19. Emphasises the need for the register to be user friendly and easily accessible on the Internet: the public must be able to easily find and search the register, and it must include not only the names of the lobbying organisations but also the name of the lobbyists themselves;
20. Stresses that the register should contain separate categories in which lobbyists should be registered according to the type of interests they represent (e.g. professional associations, company representatives, trade unions, employers' organisations, lawyers' offices, NGOs, etc.);
21. Welcomes the Commission's decision to request that the requirement of financial disclosure by interest representatives joining the register apply to the following:
 - the turnover of professional consultancies and law firms attributable to lobbying the EU institutions, as well as the relative weight of their major clients;
 - an estimate of the costs associated with direct lobbying of the EU institutions incurred by in-house lobbyists and trade associations;
 - the overall budget and breakdown of the main sources of funding of NGOs and think-tanks;
22. Stresses that the requirement of financial disclosure must apply equally to all registered interest representatives;
23. Asks the working group to propose specific criteria which would invoke the requirement for financial disclosure, for example an indication of lobbying expenditure within meaningful parameters (exact figures not necessary);
24. Calls on the committee responsible to prepare any necessary amendments to Parliament's Rules of Procedure;
25. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

Transparency of political institutions is a prerequisite for legitimacy. It should be easy to scrutinize how decisions are made, what are the influences behind them and finally how resources, i.e. taxpayer's money, are allocated. Therefore rules for lobbying are ultimately a question of legitimacy.

At the moment it is estimated that there are about 15000 lobbyists and 2500 lobby organisations in Brussels. Counting permanent visitors' badges and "express"-badges there are approximately 5000 lobbyists operating in the European Parliament.

The Commission has opened discussions on lobbying by its European Transparency Initiative (ETI). The main idea of this proposal is to lay out more openly the actors and influence channels operating when legislative acts are prepared and adopted by the EU institutions. The Commission proposes a voluntary register and a code of conduct for lobbyists. The Parliament already has a *de facto mandatory* register and a code of conduct provided in article 9(4) in the Rules of Procedure of the European Parliament.

This report is a response to the Commission's ETI. The European Parliament is, as a co-legislator, expected to take a firm stance on interest representation in the EU.

History of lobby-rules in the European Parliament

Lobbying has been a long-standing and contentious issue in Parliamentary debates. Positions vary widely and traditions in the 27 Member States are diverse. In the majority of Member States there are no provisions at all for dealing with these groups at the parliamentary or governmental level. On the other hand, in the US a lobbyist needs to read through almost 600 page manual to get everything right. Be as it may, today there is a large consensus that interest groups provide valuable expertise to EU law-making authorities.

The Parliament was the first European institution to address the phenomenon of an increasing number of interest groups at European level and especially about the consequences of this evolution for the legislative process. A first written question concerning the establishment of a potential regulation of lobbying activities was presented in 1989. In 1991, the *Committee on the rules of procedure, the verification of the credentials and immunities* drafted a report with proposals for a code of conduct and a register of lobbyists. However, after very difficult Committee debates the proposals were not submitted to the Plenary.

After the European elections of 1994 the debate on lobbies' regulation resumed. Another report of the same Committee avoided terminological conflicts and relied on a voluntary self-definition of interest groups. Regulatory proposals were less constraining and considered more open to lobbying than those of the 1993 report. The idea of a register, where interest representatives had to make their activities and interests public was born. Interest representatives were supposed to pay fees for their registration, to respect a code of conduct and to sign the register. In return, they obtained a pass and access to parts of the EP and to its documents. In January 1996 the report was heavily amended in the plenary session and then referred back to the Committee.

In July 1996, a compromise was found. With regard to financial interests, each MEP is now required to make a detailed declaration of his professional activities. MEPs have to refrain from accepting any gift or benefit in the performance of their duties. Registered assistants also have to make a declaration of any other paid activities. These rules were added to Parliament's Rules of Procedure (Art. 9 and Annexes I and IX). Further practical steps were taken later concerning the publication of some of this information on Parliament's webpage. Today lists of registered lobbyists, of MEPs declarations of financial interests and of registered assistants are available.

Proposals by the rapporteur

As a preparation for this report the *Committee on Constitutional Affairs* organised a *workshop on lobbying the European Union* on 8 October 2007 in order to survey the present situation of interest representation and to obtain responses from stakeholders to the Commission's ETI. During the process the rapporteur has identified the following essential questions to be addressed in the report:

1. How should a lobbyist be defined?

The Commission defines lobbying as “activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions.” This is in line with article 9(4) in the Rules of Procedure of the European Parliament defining lobbyists as "persons who wish to enter Parliament's premises frequently with a view to supplying information to Members within the framework of their parliamentary mandate in their own interests or those of third parties".

The rapporteur is of the opinion that no essential differences are to be made according to whether industrialists or environmentalists are approaching the Parliament, whether producers' or consumers' interests are represented or whether private or public actors are engaged in a dialogue with MEPs. In addition, when law firms are engaged in influencing future law, not representing court cases, they are to be considered as lobbyists.

2. To what extent should there be financial disclosure?

According to the Commission, financial information is indicative on the influence of interest groups. The Commission has concluded that it is necessary and proportionate to request registrants to declare relevant budget figures and an aggregate breakdown on major clients and/or funding sources. The main objective of this information is to ensure that decision-makers and the general public can identify and assess the strength of the most important driving forces behind a given lobbying activity. The Commission requires the following:

- for professional consultancies and law firms the turnover linked to lobbying EU institutions, as well as the relative weight of major clients;
- for "in-house" lobbyists and trade associations an estimate of the cost associated to direct lobbying of EU institutions;

- for NGOs and think-tanks the overall budget and a breakdown of their main sources of funding.

Details are yet to be clarified when the Commission presents a beta-version of its data base interface and more explicit information on the required data. Furthermore, financial figures are not always the best way to give information on the scale of lobbying activity.

The questions yet to be answered in a clear way are what information is useful to assess external influences on the legislative process and how they can be acquired without breaking legitimate confidentiality rules or overly burdensome administrative procedures.

3. Should the European Parliament have a common register with the Commission?

The Commission calls for a common register between the Commission and the Parliament. The rapporteur considers that from the public point-of-view the institutions are seen as one. Also all the stakeholders wish to have a “one-stop-shop”. Although the institutions have essential differences and might end up with different requirements for lobbyists, for example on financial disclosure, the question should be seen as administrative. Therefore the rapporteur proposes a joint working group to consider the implications of a common register.

4. Should the register of interest groups be voluntary or mandatory?

The Parliament's legal service considers the Parliament's present register *de facto* mandatory, because registration is linked to physical access to the Parliament premises. The rapporteur agrees with this analysis. To lobby regularly in the Parliament you need a badge. In order to get a badge you have to register. This is also why the Commission urges for a common register. The badge is a strong incentive to register.

The Commission proposes financial disclosure and more systematic monitoring of the information provided in the register. These innovations are priorities and should be adopted in due time. A legislative act on lobbying would be a lengthy process and should not therefore be pursued at this stage. This is in line with the broad consensus on having a common register, a "one-stop-shop" with the Commission.

The success of the Commission's register is evaluated after one year. The Treaty of Lisbon, if ratified, will provide a clearer legal basis for a legislative act on lobbying, if this is found necessary.

5. Should there be sanctions for breaches of the code of conduct?

In the present system of the Parliament, the highest sanction is the deletion from the register. Fines and other such sanctions would require legislation. From the lobbyists' credibility point-of-view, deletion from the register is not at all a meaningless sanction. However, supervision on how rules are respected could be strengthened.

6. Improving the Parliament's transparency

The rapporteur considers transparency a two-way street. This means, that when requiring the

lobbyists to be more transparent, the Parliament itself can also work for more transparency. Therefore the rapporteur calls for clarity on registered and non-registered intergroups often financed by interest groups.

Furthermore, the rapporteur acknowledges a Member possibility to use a “legislative footprint”, i.e. an indicative list, attached to parliamentary reports, of interest representatives consulted during the preparation of the report. The idea is to give a picture on different interests mobilised by a legislative process and thus help the public, the media, other Members and anyone interested to scrutinize Parliamentary work. On the other hand, often relevant information is obtained confidentially and the independence of MEP’s has to be defended. Therefore the use of such "footprints" has to base on the best judgement of individual MEP's. The rapporteur also stresses that it is even more important for the Commission to provide a legislative footprint attached to its legislative initiatives.

For example, in the process of this report at least the following organisations have been consulted before 6 February 2008. Some others have sent e-mails and provided quick information informally.

- | | |
|---|---|
| 1) Business Europe, | 7) Council of Bars and Law Societies of Europe (CCEB) |
| 2) European Public Affairs Consultancies' Association (EPACA), | 8) International Public Relations Association (IPRA) |
| 3) The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) (Friends of the Earth Europe, European Federation of Journalists), | 9) UKLawSociety |
| 4) European Chemical Industry Council (Cefic), | 10) White&Case |
| 5) Society of European Affairs Professionals (SEAP), | 11) American Chamber of Commerce |
| 6) French Chamber of Commerce, | 12) Toyota Motor Europe, |
| | 13) Exxon Mobile, |
| | 14) European Centre for Public Affairs (ECPA), |
| | 15) The Commission |

In addition, the following were represented as stakeholders in the *workshop on lobbying in the EU* organised 8 October by the Committee of Constitutional Affairs. Others gave their views in the roundtable discussion.

- | | |
|--|---------------------------------------|
| 1) Business Europe, | 5) Corporate Europe Observatory (CEO) |
| 2) The European Consumers' Organisation (BEUC) | 6) ALTER-EU |
| 3) SEAP | 7) Daimler ("in-house" lobbyist) |
| 4) EPACA | 8) CCBE |

Conclusion

In conclusion, the rapporteur addresses the importance of transparency, calls for equal treatment between interest representatives, proposes a wait-and-see approach to the concrete proposals (i.e. the register and its details) by the Commission and provides examples on how the Parliament itself can improve its own transparency.

22.1.2008

OPINION OF THE COMMITTEE ON BUDGETARY CONTROL

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))

Draftsman: José Javier Pomés Ruiz

SUGGESTIONS

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

Overall approach by the Commission

1. Notes that the Commission defines lobbying as "activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions";
2. Recalls that the European Union institutions take decisions not only in relation to legislation, but also concerning:
 - contracts;
 - grants;
 - infringements;
 - fines; and
 - recoveries and waivers;

with regard to which the interested parties may wish to express their views or to exercise influence; believes that any future rules or code of conduct should be drawn up in such a way as to cover all the areas of activity of the EU institutions which outside bodies or persons may seek to influence;

3. Notes that according to the Commission's proposal, public affairs consultancies, corporate lobby units ("in-house representatives"), non-governmental organisations (NGOs), think-tanks, trade associations and law firms will be encouraged to join the register and will be offered the opportunity to indicate to which category they belong;
4. Points out that the list in paragraph 3 does not include other categories of interest groups with a significant presence in Brussels such as a) regional, provincial or local authorities, which lobby on their own behalf or on behalf of companies or other entities situated in their territory, b) firms of accountants offering a full range of business services, including lobbying activities, or, c) trade unions;
5. Concludes from the list of categories of lobbyists targeted by the Commission that its approach is essentially based on regulating private sector lobbying, without any apparent attempt to apply equivalent transparency to lobbying by public sector representatives, e.g. regional authorities, diplomats, ministers, national parliamentarians;
6. Notes that under the Commission's proposal, lobbyists who voluntarily register certain information about themselves would be given an opportunity to indicate their specific interests and, in return, would be alerted to consultations in those specific areas;
7. Recalls that a considerable number of the contributions received by the Commission in response to its Green Paper on transparency, in particular NGOs, advocated a compulsory (rather than voluntary) approach as the only way to ensure full transparency;

Financial disclosure

8. Supports the Commission's proposal which would require registered lobbyists to declare:
 - for professional consultancies and law firms involved in lobbying EU institutions, the turnover linked to such lobbying as well as the relative weight of the clients in that turnover;
 - for "in-house" lobbyists and trade associations active in lobbying, an estimate of the cost associated with the direct lobbying of EU institutions; and
 - for NGOs and think-tanks, the overall budget and breakdown per main sources of funding (amounts and sources of public funding, donations, membership fees etc.);
9. Believes that it is essential for Members of the European Parliament, as well as for others, to know for whom lobbyists are working, the source of any information provided or promoted by lobbyists and the identity of the interests which they represent;
10. Suggests that any future code of conduct should require lobbyists at the beginning of any meeting or conversation arranged for lobbying purposes to indicate in clear terms the client, organisation, movement or campaign on whose behalf they are acting and whether or not they are registered lobbyists;
11. Asks the Commission to specify what would be the consequences of a failure or refusal to join the voluntary register and, in particular:

- whether that failure or refusal would be recorded and clearly visible in a section of the register;
 - whether the organisation concerned would thereafter be debarred from lobbying the Commission;
12. Takes the view that the register should include a simple system for removing entries from it and for notifying the reasons for removal to the person or body concerned;

Code of conduct

13. Supports the Commission's view that self regulation of lobbyists is not enough; notes its intention to review and update the existing requirements adopted in 1992; agrees that subscribing to the code should become a requirement for lobbyists wishing to be included in the new register, in line with the example set by Parliament;
14. Considers it necessary, if a code of conduct is to be effective and European citizens are to have confidence in the system, that violations of the code are detected and credibly sanctioned; notes the importance of monitoring being conducted by fully independent actors;

Parliament's current rules on lobbying

15. Points out that Parliament already has a code of conduct (Article 3 of Annex IX to the Rules of Procedure) on lobbying;
16. Points out that, as regards the definition of lobbyists, Rule 9(4) of the Rules of Procedure authorises the College of Quaestors to issue access passes to persons who wish to enter Parliament's premises frequently with a view to supplying information to Members within the framework of their parliamentary mandate in their own interests or those of third parties;
17. Recalls that according to Parliament's website "Lobbyists can be private, public or non-governmental bodies. They can provide Parliament with knowledge and specific expertise in numerous economic, social, environmental and scientific areas";
18. Calls on the Secretary-General to move Parliament's list of representatives of accredited interest groups, currently at:
<http://www.europarl.europa.eu/parliament/expert/staticDisplay.do?id=65&language> to a more easily accessible location on Parliament's website;

Inter-institutional cooperation

19. Notes the Commission's wish for the future register and code of conduct to be common to the Commission and, at least, Parliament and its belief that "one-stop-shop" registration would provide an increased incentive for stakeholders to register;
20. Recognises that if the various institutions each have separate lobbyist registration arrangements there may be a risk of inconsistency in the information which lobbyists provide about their own organisations, the clients for whom they are acting and the level

of financing available for a given lobbying initiative; accepts therefore that there may be sound arguments in favour of setting up a single unified registration system in due course;

21. Stresses that Parliament must retain its autonomy in decisions as to the acceptance or otherwise of such interest groups or lobbyists as it may consider relevant for its political role in representing EU citizens;
22. Suggests that in the absence of arrangements by the institutions for a common register of lobbyists, their individual web-based registers should include links to the registers of the other institutions in order to enable comparison of lobbyists' entries;
23. Recalls the aim of increasing transparency vis-à-vis European citizens and therefore insists that the registers of lobbyists - whether common or specific to the individual institutions - should be easily accessible on the internet, standardised and easy to understand and compare.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	22.1.2008
Result of final vote	+: 23 -: 0 0: 0
Members present for the final vote	Jean-Pierre Audy, Herbert Bösch, Paul van Buitenen, Paulo Casaca, Jorgo Chatzimarkakis, Antonio De Blasio, Christofer Fjellner, Ingeborg Gräßle, Dan Jørgensen, Carl Lang, Marusya Ivanova Lyubcheva, Hans-Peter Martin, Jan Mulder, Francesco Musotto, Bill Newton Dunn, Borut Pahor, Bart Staes, Alexander Stubb, Kyösti Virrankoski
Substitute(s) present for the final vote	Carlo Casini, Valdis Dombrovskis, Edit Herczog, Cătălin-Ioan Nechifor, Pierre Pribetich, Petya Stavreva
Substitute(s) under Rule 178(2) present for the final vote	

28.2.2008

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY 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: Pervenche Berès

SUGGESTIONS

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

- A. whereas 75 % of economic and social policy measures which concern European citizens are prepared in Brussels,
- B. whereas consultation, participation and transparency are at the heart of involving the public more in the formulation of EU policies,
- C. whereas the activities of interest representatives are expanding rapidly in terms of both the number of players and the techniques used, and whereas those activities cover different types of structure as well as players with widely differing concerns,
- D. whereas the first to third subparagraphs of Rule 9(4) of Parliament's Rules of Procedure states that:

"The Quaestors shall be responsible for issuing nominative passes valid for a maximum of one year to persons who wish to enter Parliament's premises frequently with a view to supplying information to Members within the framework of their parliamentary mandate in their own interests or those of third parties.

In return, these persons shall be required to:

- respect the code of conduct published as an annex to the Rules of Procedure;

- sign a register kept by the Quaestors.

This register shall be made available to the public on request in all of Parliament's places of work and, in the form laid down by the Quaestors, in its information offices in the Member States."

- E. whereas Communication 53/05 of the Quaestors sets out the rules governing 'Members' entourage' passes,
 - 1. Believes that the current conditions for obtaining accreditation as an interest representative, as laid down in Rule 9(4) of Parliament's Rules of Procedure, are sufficient and appropriate; sees a need, as regards transparency in the activities of interest representatives, to take some measures additional to the provisions of that Rule; takes note in particular of the proposals made in the draft report by the Committee on Constitutional Affairs.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	26.2.2008
Result of final vote	+: 39 -: 1 0: 1
Members present for the final vote	Gabriele Albertini, Mariela Velichkova Baeva, Pervenche Berès, Slavi Binev, Sebastian Valentin Bodu, Sharon Bowles, Udo Bullmann, Manuel António dos Santos, Christian Ehler, Elisa Ferreira, Jean-Paul Gauzès, Robert Goebbels, Donata Gottardi, Dariusz Maciej Grabowski, Gunnar Hökmark, Karsten Friedrich Hoppenstedt, Sophia in 't Veld, Piia-Noora Kauppi, Wolf Klinz, Christoph Konrad, Guntars Krasts, Kurt Joachim Lauk, Astrid Lulling, Gay Mitchell, Cristobal Montoro Romero, Lapo Pistelli, John Purvis, Alexander Radwan, Bernhard Rapkay, Dariusz Rosati, Heide Rühle, Eoin Ryan, Antolín Sánchez Presedo, Olle Schmidt, Peter Skinner, Margarita Starkevičiūtė, Ieke van den Burg, Cornelis Visser, Sahra Wagenknecht
Substitute(s) present for the final vote	Thomas Mann, Gianni Pittella, Bilyana Ilieva Raeva
Substitute(s) under Rule 178(2) present for the final vote	

29.11.2007

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

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))

Draftsman: Claude Turmes

EXPLANATORY STATEMENT

Ensuring transparency around lobbying the European institutions, as well as ensuring that the European Commission truly serves the general and only the general interest of the Community are prerequisites for gaining back the confidence of citizens into its Institutions.

Lobbying transparency

The professional lobbying sector - with the objective of influencing EU policy-making - is developing fast and constantly in Brussels. It is therefore necessary to establish clear rules in this field, ensuring transparency on whose interests lobbyists represent and preventing unethical practices as far as possible.

The core element of the European Transparency Initiative is the creation of a register for lobbyists, including financial disclosure, but the Commission proposes a voluntary approach.

The Environment Committee, as one of the most intensely lobbied Committees in the Parliament, considers that such an approach is bound to fail. Instead it requires a mandatory registration and reporting system. Such an approach will not allow anyone to stay out of the system and not to comply with the rules, and will put all lobbyists on a same level playing field. Financial disclosure will provide comparable and easily accessible information to decision-makers and the public on how much money is paid by whom and to whom to lobby on which issue.

The European Commission

Given its monopoly to initiate legislation and its obligation to serve the general interest of the Community in a completely independent manner, the Commission must increase its own transparency. In a first time it should step up its efforts to effectively prevent conflict of interests of its staff, its advisory and implementation bodies, and ensure balanced representation of sectors of society.

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Recognises the significant influence of lobbying on EU decision making and therefore the need for clear rules; believes that a credible and effective registration and reporting system in all EU institutions, including financial disclosure as well as disclosure of all documents sent to Members of the institutions, has to be mandatory for all lobbyists and be linked to a common code of ethical behaviour; it should also include an independent implementation and sanction mechanism; calls for the documents concerning lobbying, particularly the common code of ethics, the declarations of interests, and all documents sent out by lobbyists to be publicly available in an electronic registry;
2. Considers that the mandatory registration and reporting system needs to include, as a minimum, the following information¹:
 - the name(s) of lobbyist(s);
 - contact information;
 - interests and/or bodies represented;
3. Calls for a common code of conduct for all lobbyists to be agreed by the Commission, the European Parliament and the Council;
4. Considers that Members of the European Parliament have a responsibility of their own to ensure that they receive balanced information; stresses that Members of the European Parliament must be deemed capable of making political decisions independently of lobbyists;
5. Calls upon the Commission to clarify the role and background of its special advisors, make their curriculum vitae publicly available and clearly define what constitutes linked interests or a conflict of interests; considers that no special adviser who has a conflict of interests may be employed by the European institutions; calls upon the Commission to clarify the exact purposes of its high level and expert groups and set guidelines for ensuring a balanced representation of diverse sectors of society and different nationalities; stresses that no expert who has a conflict of interests may be a member of a committee of experts; calls upon the Commission to publish on its websites a searchable register of all groups' membership, including *comitology* committees, their meeting agendas and documents, and to ensure transparency for the establishment of new such groups;
6. Calls upon the Commission to establish a searchable, centralised database containing all relevant information on shared management funds and their beneficiaries;

¹ Information to be updated once a year.

7. Calls upon the Commission to report on all officials having left the services of this Commission, definitively or for a time-limited sabbatical, to take up a new job that is related to his/her former field of work within two years of leaving the service, with particular reference to employment in lobby firms as an advisor, consultant or assistant, and any conditions or prohibitions it has adopted pursuant to Article 16 of the Staff Regulations;
8. Calls upon the Commission to provide a detailed list of all staff or experts working at the Commission and in the Cabinets of Commissioners and being remunerated by the private, national governmental or non-governmental sector, including who is remunerating them, how long they have been employed and on what type of contract, what services they work for and what files they work on and have worked on since taking up duty at the Commission in order to provide information on the activities at European level of staff seconded by national governments and other experts;
9. Calls upon the Parliament to publish on its website a comprehensive and complete list of existing Intergroups, their members, meeting agendas and documents;
10. Believes that the European Parliament should take a lead by adopting a policy of best practice with regard to the requirements for registration of Members' interests; calls on the Parliament's Bureau to commission a study of the policies of each of the Member States' parliaments and thereafter to recommend what improvements may be required to its own procedures;
11. Calls upon Parliament to establish a questionnaire for Members for their declaration of interests with clear criteria on how to fill it out so as to ensure a coherent and comparable implementation of the rules on conflicts of interest.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	22.11.2007
Result of final vote	+ : 41 - : 0 0 : 0
Members present for the final vote	Liam Aylward, Pilar Ayuso, Johannes Blokland, Frieda Brepoels, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Jill Evans, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Marie Anne Isler Béguin, Caroline Jackson, Dan Jørgensen, Eija-Riitta Korhola, Marie-Noëlle Lienemann, Alexandru-Ioan Morțun, Roberto Musacchio, Riitta Myller, Miroslav Ouzký, Frédérique Ries, Guido Sacconi, Karin Scheele, Carl Schlyter, Richard Seeber, Bogusław Sonik, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Glenis Willmott
Substitute(s) present for the final vote	Alfonso Andria, Kathalijne Maria Buitenweg, Bairbre de Brún, Duarte Freitas, Milan Gaľa, Alojz Peterle, Andres Tarand, Claude Turmes
Substitute(s) under Rule 178(2) present for the final vote	

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

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	

8.1.2008

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME 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))

Draftsman: Søren Bo Søndergaard

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Recognises the significant importance and influence of lobbying and of the expertise provided by lobbies and NGOs on EU decision making and therefore the need for regulation;
2. Believes that only a common mandatory register for all EU institutions with forms of financial disclosure for all lobbies and lobbyists, respectful of transparency and privacy principles, will be an efficient tool in helping to identify and assess the strength of the most important driving forces behind a given lobbying activity. The register must be linked to a code of ethical behaviour common to all the EU institutions;
3. Believes that a first step towards having one common register for all the EU institutions could be taken if the European Parliament made it mandatory for lobbyists to be registered with both the European Parliament and the Commission in order to be able to access the premises of the European Parliament; likewise calls on the Commission to require registration with both institutions in order to access the premises of the Commission;
4. Regards the income approach chosen by the Commission as mandatory, minimum rules. Believes that in addition lobbyists should be obliged to disclose lobbying expenditure

among other things by giving the same information on lobbying expenditure spent on MEPs as MEPs are obliged to disclose in their financial declarations;

5. Calls for Parliament's Bureau or the Quaestors to look into ways of restricting unauthorised access to the levels where Members' offices are situated in Parliament's buildings, whereas access to committee rooms by the public can only be limited in exceptional circumstances;
6. Calls for a public, searchable and downloadable online database containing all relevant information with cross-references to other possible databases of the EU institutions until a common database is in place;
7. Calls for a monitoring mechanism (e.g. a committee of MEPs not holding any other significant positions in Parliament) to scrutinise and ensure the accuracy of the information in the register, and considers it important that sufficient resources (staff and money) are granted for that purpose;
8. Believes that sanctions should apply to lobbyists who have intentionally given unsatisfactory or false information; considers that, under a mandatory registration system, suspension of registration and, in the most serious cases, removal from the register are proportionate sanctions and represent a sufficient deterrent;
9. Calls on the Conference of Presidents to publish a list of all existing intergroups (including members, meeting agendas and documents) on its website, as well as of the lobbies and NGOs supporting them and a specification of the type of support provided to them, notably in terms of human, material or financial resources;
10. Calls on its Bureau to review the rules covering the activities of lobbyists three years at the latest after they enter into force to evaluate if the changed system is achieving the necessary transparency on lobbyists' activities; calls on the Commission to base any future initiative on lobbying activities in the EU on the legal basis provided by the Treaties concerning transparency and openness.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	18.12.2008
Result of final vote	+: 52 -: 1 0: 0
Members present for the final vote	Alexander Alvaro, Roberta Angelilli, Alfredo Antoniozzi, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giuseppe Castiglione, Giusto Catania, Carlos Coelho, Panayiotis Demetriou, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Claudio Fava, Armando França, Urszula Gacek, Kinga Gál, Patrick Gaubert, Roland Gewalt, Lilli Gruber, Jeanine Hennis-Plasschaert, Lívia Járóka, Ewa Klamt, Stavros Lambrinidis, Esther De Lange, Henrik Lax, Sarah Ludford, Claude Moraes, Javier Moreno Sánchez, Rares-Lucian Niculescu, Bogusław Rogalski, Martine Roure, Luciana Sbarbati, Inger Segelström, Csaba Sógor, Søren Bo Søndergaard, Vladimir Urutchev, Ioannis Varvitsiotis, Manfred Weber, Renate Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Edit Bauer, Simon Busuttill, Genowefa Grabowska, Ignasi Guardans Cambó, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Jean Lambert, Jörg Leichtfried, Antonio Masip Hidalgo, Bill Newton Dunn, Rainer Wieland
Substitute(s) under Rule 178(2) present for the final vote	Manuel Medina Ortega

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.4.2008
Result of final vote	+: 18 -: 1 0: 3
Members present for the final vote	Enrique Barón Crespo, Bastiaan Belder, Richard Corbett, Jean-Luc Dehaene, Andrew Duff, Ingo Friedrich, Anneli Jäätteenmäki, Jo Leinen, Íñigo Méndez de Vigo, Rihards Pīks, Riccardo Ventre, Johannes Voggenhuber, Dushana Zdravkova
Substitute(s) present for the final vote	Graham Booth, Costas Botopoulos, Carlos Carnero González, Monica Frassoni, Gérard Onesta, Georgios Papastamkos, Reinhard Rack, Kathy Sinnott, Mauro Zani
Substitute(s) under Rule 178(2) present for the final vote	Willi Piecyk, Søren Bo Søndergaard