



EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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**A7-0173/2011**

26.4.2011

## **REPORT**

on the amendment of Parliament's Rules of Procedure following the establishment by the European Parliament and the Commission of a joint transparency register  
(2010/2292(REG))

Committee on Constitutional Affairs

Rapporteur: Carlo Casini

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## PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on the amendment of Parliament's Rules of Procedure following the establishment by the European Parliament and the Commission of a joint transparency register (22010/2292(REG))**

*The European Parliament,*

- having regard to the decision of the Conference of Presidents of 18 November 2010,
  - having regard to its decision of ...<sup>1</sup> approving the conclusion of the agreement between the European Parliament and the Commission on the establishment of a transparency register,
  - having regard to Rules 211, 212 and 127(2) of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A7-0173/2011),
1. Decides to amend its Rules of Procedure as shown below;
  2. Decides that the text of the agreement referred to above will be incorporated into its Rules of Procedure as Annex X, Part B;
  3. Decides that these amendments will enter into force on the date of entry into force of the agreement;
  4. Instructs its President to forward this decision to the Council and the Commission, for information.

### **Amendment 1**

#### **Parliament's Rules of Procedure**

##### **Rule 9 – title**

*Present text*

*Amendment*

Members' financial interests, standards of conduct and access to Parliament

Members' financial interests, standards of conduct, **mandatory transparency register** and access to Parliament

#### *Justification*

*It is important for the transparency of the legislative process to institute mandatory*

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<sup>1</sup> Texts adopted, P7\_TA(2011) ...

*registration of lobbyists who approach Members of the European Parliament, the European institutions and their staff. This compulsory registration procedure should also entail registration of the people who have been approached. By analogy with the system instituted by the US Congress, this requirement to register conversations with lobbyists should apply in equal measure to elected representatives, European officials and other staff of the European institutions. The information should be accessible to the public.*

## **Amendment 2**

### **Parliament's Rules of Procedure Rule 9 – paragraph 3 a (new)**

*Present text*

*Amendment*

***3a. At the beginning of each parliamentary term the Quaestors shall determine the maximum number of assistants who may be registered by each Member (accredited assistants).***

*Justification*

*This paragraph has been moved from Article 2 of Annex X in order to clarify the structure and group related provisions together.*

## **Amendment 3**

### **Parliament's Rules of Procedure Rule 9 – paragraph 4**

*Present text*

*Amendment*

***4. 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 in order to supply information to Members within the framework of their parliamentary mandate in their own interests or those of third parties.***

***4. Long-term badges shall be issued to persons from outside the Union institutions under the responsibility of the Quaestors. Such badges shall be valid for a maximum period of one year, which may be renewed. The rules governing the use of such badges shall be laid down by the Bureau.***

***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.*

*The provisions governing the application of this paragraph shall be laid down in an annex to these Rules of Procedure.*

*Such badges may be issued to:*

*- persons whose names appear in the transparency register<sup>1</sup> or who represent or work for organisations whose names appear therein, although registration shall not confer an automatic right to such a badge;*

*- persons who wish to enter Parliament's premises frequently, but who do not fall within the scope of the agreement on the establishment of a transparency register<sup>2</sup>;*

*- Members' local assistants and persons assisting Members of the Economic and Social Committee and the Committee of the Regions.*

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<sup>1</sup> Register established by means of the agreement between the European Parliament and the Commission on the establishment of a transparency register for organisations and self-employed persons who are involved in the drafting and implementation of European Union policies (see Annex X, Part B).

<sup>2</sup> See Annex X, Part B.

#### **Amendment 4**

#### **Parliament's Rules of Procedure Rule 9 – paragraph 4 a (new)**

*Present text*

*Amendment*

***4a. Persons who sign the transparency register must, in the context of their relations with Parliament, respect:***

***- the code of conduct annexed to the agreement<sup>1</sup>;***

***- the procedures and other obligations laid down by the agreement; and***

***- the provisions of this Rule and its implementing provisions.***

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<sup>1</sup> See Annex 3 to the agreement set out in Annex X, Part B.

*Justification*

*The amendment seeks to take account of new rights and obligations under the register procedure of Parliament bodies and of third parties in the context of their relations with Parliament. See, in particular, points 7 and 17 to 27 of and Annex 3 to the agreement.*

## **Amendment 5**

### **Parliament's Rules of Procedure Rule 9 – paragraph 4 b (new)**

*Present text*

*Amendment*

***4b. The Quaestors shall determine to what extent the code of conduct is applicable to persons who, whilst in possession of a long-term access badge, do not fall within the scope of the agreement.***

*Justification*

*Amendment designed to safeguard Parliament's power to lay down the rights and obligations, in the context of their relations with Parliament, of persons who, whilst in possession of a long-term access badge, do not fall within the scope of the register (representatives of political parties, churches, etc.).*

## Amendment 6

### Parliament's Rules of Procedure Rule 9 – paragraph 4 c (new)

*Present text*

*Amendment*

***4c. Badges shall be withdrawn by means of a reasoned decision of the Quaestors in the following cases:***

***- the holder has been struck off the transparency register, unless there are significant arguments against withdrawal;***

***- the holder has been guilty of a serious breach of the obligations laid down in paragraph 4a.***

*Justification*

*In the light of points 4 and 5 of the agreement, the Quaestors remain free to take decisions on the withdrawal of badges.*

## Amendment 7

### Parliament's Rules of Procedure Rule 9 – paragraph 4 d (new)

*Present text*

*Amendment*

***4d. The Bureau, acting on a proposal from the Secretary-General, shall lay down the measures needed to implement the transparency register, in accordance with the provisions of the agreement on the establishment of that register.***

***The provisions implementing paragraphs 4 to 4d shall be laid down in the annex.***

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<sup>3</sup> See Annex X, Part A.

*Justification*

*See points 20 and 21 of the agreement, transposed here in order to reflect Parliament's internal organisation. The second subparagraph has been moved from paragraph 4, in*

*keeping with the overall structure of the provision.*

## **Amendment 8**

### **Parliament's Rules of Procedure Annex I – Article 2 – paragraphs 2 and 3**

#### *Present text*

Members of Parliament shall refrain from accepting any ***other*** gift or benefit in the performance of their duties.

The declarations in the register shall be made under the personal responsibility of the Member and must be updated ***every year***.

#### *Amendment*

Members of Parliament shall refrain from accepting any gift or benefit in the performance of their duties.

The declarations in the register shall be made under the personal responsibility of the Member and must be updated ***as soon as changes occur, and a fresh declaration shall be submitted at least once a year. Members shall bear full responsibility for the transparency of their financial interests.***

#### *Justification*

*The registration of Members' financial interests must be altered as soon as a change occurs in a Member's situation, not only every year.*

## **Amendment 9**

### **Parliament's Rules of Procedure Annex X – title**

#### *Present text*

ANNEX X

Provisions governing the application of Rule 9(4) - ***Lobbying in Parliament***

#### *Amendment*

ANNEX X

***Transparency register***

***A. Provisions governing the application of Rule 9(4) to (4d)***

#### *Justification*

*The joint register does not use the term 'lobby'.*



## Amendment 10

### Parliament's Rules of Procedure Annex X – Article 1

#### *Present text*

#### *Article 1*

#### ***Passes***

1. The ***pass*** shall consist of a plastic card bearing a photograph of the holder, indicating the holder's surname and forenames and the name of the firm, organisation or person for whom the holder works.

***Pass-holders*** shall at all times wear their pass visibly on all Parliament premises. Failure to do so may lead to its withdrawal.

***Passes*** shall be distinguished by their shape and colour from the passes issued to occasional visitors.

2. ***Passes*** shall only be renewed if the holders have fulfilled the obligations referred to in Rule 9(4).

Any ***dispute by a Member as to the activity of a representative or lobby*** shall be referred to the Quaestors, who ***shall look into the matter and may decide whether to maintain or withdraw*** the ***pass*** concerned.

#### *Amendment*

#### ***Sole Article***

#### ***Badges***

1. The ***long-term badge*** shall consist of a plastic card bearing a photograph of the holder, indicating the holder's surname and forenames and the name of the firm, organisation or person for whom the holder works.

***Badge-holders*** shall at all times wear their ***badge*** visibly on all Parliament premises. Failure to do so may lead to its withdrawal.

***Badges*** shall be distinguished by their shape and colour from the passes issued to occasional visitors.

2. ***Badges*** shall only be renewed if the holders have fulfilled the obligations referred to in Rule 9(4a).

Any ***complaint supported by facts which falls within the scope of the code of conduct annexed to the agreement on the establishment of the transparency register<sup>1</sup>*** shall be referred to ***the joint register secretariat***. ***The Secretary-General of Parliament shall forward details of decisions to strike persons off the register to*** the Quaestors, who ***shall take a decision on the withdrawal*** of the ***badge*** concerned.

***Notifications of decisions by the Quaestors to withdraw one or more badges shall include a request to the holders or the organisations they represent or for which they work to return the badges to Parliament within 15 days of receipt of the notification.***

3. **Passes** shall not, under any circumstances, entitle holders to attend meetings of Parliament or its bodies other than those declared open to the public and shall not, in this case, entitle the holder to derogations from access rules applicable to all other Union citizens.

3. **Badges** shall not, under any circumstances, entitle holders to attend meetings of Parliament or its bodies other than those declared open to the public and shall not, in this case, entitle the holder to derogations from access rules applicable to all other Union citizens.

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<sup>1</sup> See Annex 3 to the agreement set out in Annex X, Part B.

### *Justification*

*Amendment to take account of the new rights and obligations of Parliament bodies and third parties concerning the processing of complaints and the withdrawal of badges. See, in particular, points 18 and 19 of and Annex 4 to the agreement. Consistency with the terminology used in the agreement ('badge').*

## **Amendment 11**

### **Parliament's Rules of Procedure Annex X – Article 2**

*Present text*

*Amendment*

#### **Rule 2**

**deleted**

#### **Assistants**

**1. At the beginning of each parliamentary term the Quaestors shall determine the maximum number of assistants who may be registered by each Member.**

**Upon taking up their duties, registered assistants shall make a written declaration of their professional activities and any other remunerated functions or activities.**

**2. They shall have access to Parliament under the same conditions as staff of the Secretariat or the political groups.**

**3. All other persons, including those working directly with Members, shall only have access to Parliament under the conditions laid down in Rule 9(4).**

*Justification*

*Rule 9 deals with accredited and local assistants. The other provisions have become obsolete, given that accredited assistants now have their own staff category.*

**Amendment 12**

**Parliament's Rules of Procedure  
Annex X – Article 3**

*Present text*

*Amendment*

***Rule 3***

***deleted***

***Code of conduct***

***1. In the context of their relations with Parliament, the persons whose names appear in the register provided for in Rule 9(4) shall:***

***a) comply with the provisions of Rule 9 and this Annex;***

***b) state the interest or interests they represent in contacts with Members of Parliament, their staff or officials of Parliament;***

***c) refrain from any action designed to obtain information dishonestly;***

***d) not claim any formal relationship with Parliament in any dealings with third parties;***

***e) not circulate for a profit to third parties copies of documents obtained from Parliament;***

***f) comply strictly with the provisions of Annex I, Article 2, second paragraph;***

***g) satisfy themselves that any assistance provided in accordance with the provisions of Annex I, Article 2 is declared in the appropriate register;***

***h) comply with the provisions of the Staff Regulations when recruiting former***

*officials of the institutions;*

*i) comply with any rules laid down by Parliament on the rights and responsibilities of former Members;*

*j) in order to avoid possible conflicts of interest, obtain the prior consent of the Member or Members concerned as regards any contractual relationship with or employment of a Member's assistant, and subsequently satisfy themselves that this is declared in the register provided for in Rule 9(4).*

*2. Any breach of this Code of Conduct may lead to the withdrawal of the pass issued to the persons concerned and, if appropriate, their firms.*

#### *Justification*

*Annex 3 to the agreement sets out a joint code of conduct which incorporates the provisions of this rule, which should therefore be deleted.*

### **Amendment 13**

#### **Parliament's Rules of Procedure Annex X – part B – title (new)**

*Present text*

*Amendment*

***B. Agreement between the European Parliament and the Commission on the establishment of a transparency register for organisations and self-employed persons who are involved in the drafting and implementation of the policies of the European Union.***

## EXPLANATORY STATEMENT

The Treaty on European Union, and in particular Article 11(1) and (2) thereof, provides a framework for and seeks to foster relations between the European institutions and European political leaders, on the one hand, and civil society, EU citizens and representative associations, on the other: ‘1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.’

Following the ratification of the Lisbon Treaty, Parliament’s powers have been strengthened and it is now co-legislator in almost all areas under the ordinary legislative procedure. As a result, it is the focus of attention of an even larger number of lobbyists, who, moreover, play a key role in the open, pluralist dialogue on which a democratic system is based and act as an important source of information for Members in the context of the performance of their duties.

In the light of these developments and against this constitutional background, and in keeping with their commitment to transparency, Parliament and the Commission have agreed to establish and maintain a joint register in order to keep a list of the names of and exercise scrutiny over the organisations and individuals who take part in the drafting and implementation of EU policies.

The register will be established and kept on the basis of the existing arrangements introduced by Parliament in 1996 and by the Commission in June 2008, as developed by the joint Parliament-Commission working party and on the basis of the experience gained and the suggestions made by the parties concerned.

This approach has no bearing on, and is without prejudice to, Parliament’s objectives, as outlined in its previous resolution on the subject<sup>1</sup>. In particular, the register must be kept in a manner consistent with the right of Members to perform their parliamentary duties without restriction and must not be used as a pretext to deny their voters access to Parliament’s premises. In addition, it will not encroach upon the powers or prerogatives of the parties concerned and will have no bearing on their powers to organise their own activities (e.g. the Quaestors’ role in issuing and withdrawing access cards).

In keeping with the approach outlined above, and in order to take account of the changes to the existing rights and obligations in this area and the establishment of new rights and obligations for Members, Parliament bodies and third parties in the context of their relations and dealings with Parliament, Parliament’s Rules of Procedure should be amended, pursuant to Rule 127(2) thereof, following the Conference of Presidents’ decision of 18 November 2010.

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<sup>1</sup> Parliament resolution of 8 May 2008 on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions (P6\_TA(2008)0197).

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	19.4.2011
<b>Result of final vote</b>	+: 23 -: 0 0: 0
<b>Members present for the final vote</b>	Andrew Henry William Brons, Carlo Casini, Andrew Duff, Ashley Fox, Matthias Groote, Roberto Gualtieri, Enrique Guerrero Salom, Zita Gurmai, Gerald Häfner, Daniel Hannan, Constance Le Grip, David Martin, Morten Messerschmidt, Algirdas Saudargas, György Schöpflin, József Szájer, Søren Bo Søndergaard, Indrek Tarand, Rafał Trzaskowski
<b>Substitute(s) present for the final vote</b>	John Stuart Agnew, Elmar Brok, Zuzana Brzobohatá, Marietta Giannakou, Íñigo Méndez de Vigo, Helmut Scholz, Rainer Wieland