



TEXTS ADOPTED

P9_TA(2021)0130

Interinstitutional agreement on a mandatory transparency register

European Parliament decision of 27 April 2021 on the conclusion of an interinstitutional agreement between the European Parliament, the Council of the European Union, and the European Commission on a mandatory transparency register (2020/2272(ACI))

The European Parliament,

- having regard to the Conference of Presidents’ decision of 9 December 2020, endorsing the draft interinstitutional agreement establishing a mandatory transparency register,
- having regard to the draft interinstitutional agreement between the European Parliament, the Council of the European Union, and the European Commission on a mandatory transparency register (‘the Agreement’),
- having regard to Article 11(1) and (2) of the Treaty on European Union (TEU),
- having regard to Article 295 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the draft political statement of the European Parliament, the Council of the European Union and the European Commission on the occasion of the adoption of the interinstitutional agreement on a mandatory transparency register (‘the political statement’),
- having regard to the interinstitutional agreement of 16 April 2014 between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (‘the 2014 Agreement’)¹,
- having regard to the Commission proposal of 28 September 2016 for an Interinstitutional Agreement on a mandatory Transparency Register (COM(2016)0627),
- having regard to the European Parliament negotiating mandate on the Commission proposal of 28 September 2016 for an Interinstitutional Agreement on a mandatory Transparency Register, adopted by the Conference of Presidents on 15 June 2017,

¹ OJ L 277, 19.9.2014, p. 11.

- having regard to its resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions¹,
 - having regard to the new package of transparency tools for Members, endorsed by the Conference of Presidents on 27 July 2018,
 - having regard to its decision of 31 January 2019 on amendments to Parliament’s Rules of Procedure affecting Chapters 1 and 4 of Title I; Chapter 3 of Title V; Chapters 4 and 5 of Title VII; Chapter 1 of Title VIII; Title XII; Title XIV and Annex II², in particular Rules 11 and 35,
 - having regard to Rule 148(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0123/2021),
- A. whereas Article 11(2) TEU states: "The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society";
 - B. whereas the sanitary emergency due to the COVID pandemic has led to the emergence of new forms of interaction between interest representatives and decision-makers;
 - C. whereas the Union will disburse in various forms unprecedented volumes of financial support to the Member States in order to fight the consequences of the pandemic, and every decision related thereto has to be taken with full transparency, ensuring full accountability on the part of the Union's decision makers;
 - D. whereas citizens should have the greatest possible trust in the Union’s institutions: whereas that trust, in order to exist, needs to be underpinned by a perception that interest representation is bound by high ethical standards and that their elected representatives at Union level, the Commissioners and the Union’s officials are independent, transparent and accountable; whereas an independent body common to the Union’s institutions could in the future contribute to the establishment of a common ethical framework for Union officials governing their interactions with interest representatives; whereas adherence of applicants and registrants to the Union’s values and to general ethical standards should, where appropriate, be taken into account in the context of the functioning of the transparency register;
 - E. whereas the individual institutional measures implementing the Agreement are taken by Parliament at various levels and range from the adoption of implementing rules by the Bureau to the amendment of the Rules of Procedure;
 - F. whereas in the Agreement each of the three signatory institutions agrees to adopt individual decisions empowering the management board of the register (‘the Management Board’) and the secretariat of the register (‘the Secretariat’) to take decisions on its behalf in line with Article 9 and Article 15(2) of the Agreement;

Purpose and scope

¹ OJ C 337, 20.9.2018, p. 120.

² Texts adopted, P8_TA(2019)0046.

1. Welcomes the Agreement as a further step enhancing the standards of ethical interest representation; recalls nevertheless that under Article 295 TFEU, the institutions can only make arrangements for their cooperation, and therefore have to rely on their powers of self-organisation in order to create de-facto obligations requiring third parties to subscribe to the register; reiterates its long-standing preference for establishing the transparency register via a legislative act, since this is the only way of legally binding third parties;
2. Insists that, in line with the political statement, the institutions commit to a coordinated approach on reinforcing the common transparency culture with a view to improving and further strengthening ethical interest representation; highlights their obligation under the Agreement, as well as under Article 13(2) TEU, to practise mutual sincere cooperation when developing the joint framework and that the institutions should therefore aim for the highest level of commitment; points out that the measures referred to in the Agreement represent a minimum and could be expanded further subject to political support and taking into consideration the existing constitutional and legal limitations of an interinstitutional agreement;
3. Reaffirms the need to continue with the interinstitutional dialogue with a view to establishing the transparency register on the basis of a legally binding act of Union secondary legislation;
4. Proposes that the Conference on the Future of Europe should discuss the possibility of establishing an autonomous legal basis that would enable the co-legislators to adopt Union legislative acts in accordance with the ordinary legislative procedure with the aim of imposing binding ethical rules on interest representatives in their interactions with the Union's institutions;
5. Welcomes the fact that the status of the Council of the European Union has changed from that of an observer to that of a formal party to the Agreement; considers nevertheless that its participation is limited to meetings with the most senior officials, and, under voluntary schemes only, meetings of the Permanent Representatives and Deputy Permanent Representatives during their presidency and six months before; insists that for the credibility of the joint framework all Permanent Representations should take an active part in it through their voluntary schemes, and continue to apply them after their presidency has ended and extend them, insofar as this is possible, to other officials;
6. Points out that in the negotiation process the Commission has not made any substantive additional commitments to the joint framework; regrets in particular that, with regard to personal scope, it covers only the most senior staff of the institutions; insists that any revision of the conditionality arrangements with regard to all three institutions should include meetings with other staff of the institutions, at Heads of Unit level and above;
7. Welcomes the commitments made by Parliament in the negotiation process on conditionality and complementary transparency measures; considers that the modification of Rules 11 and 35 of its Rules of Procedure have provided a strong commitment in that regard; welcomes the fact that the Agreement preserves the constitutional right of the Members to exercise their mandate freely;
8. Welcomes the possibility of involvement by Union institutions, bodies, offices and agencies on a voluntary basis; believes that such involvement should be encouraged by the signatory institutions, in line with their obligation to promote the use of the register and to

make use of the register to the fullest extent; insists that such participation will require the signatory institutions to provide the register with further resources;

Covered activities

9. Highlights that the Agreement relies on an activity-based approach which includes indirect lobbying activities; insists on the importance of covering such activities, in particular in the context of the emergence, against the backdrop of the pandemic, of new forms of interaction of interest representatives with EU decision-makers;
10. Welcomes clarifications concerning the activities covered and not covered, including the exclusion of spontaneous encounters and coverage of intermediaries of third countries which do not enjoy diplomatic status;
11. Considers it to be important to define the meetings with interest representatives that should be published as meetings scheduled in advance; welcomes Commission's practice to publish also those meetings taking place in a different format than in person-meetings, such as by video-conference; insists that a scheduled telephone call should be considered a meeting as well;

Conditionality, annual report and review

12. Is of the opinion that the implementation of the conditionality measures and other complementary transparency measures through individual decisions is a way to respect the respective internal organisational powers of the three signatory institutions; welcomes in that regard the fact that the annual report has been expanded to cover the implementation of such measures adopted by the signatory institutions;
13. Proposes that the annual report include information on registrants who have been investigated and finally removed from the register because of non-compliance with the code of conduct;
14. Welcomes the timely and regular review of the implementation measures taken pursuant to Article 5 of the Agreement, with a view to making recommendations for the improvement and reinforcement of those measures;
15. Calls on the signatory institutions to conduct an analysis of the effects that new rules of transparency have on decision-making procedures, including conditionality and complementary transparency measures adopted by the institutions within the joint framework, and the impact that these rules have on the perception of citizens towards the Union institutions ahead of the next revision of the register;
16. Highlights that the clear and timely publication of the conditionality and complementary transparency measures is essential in order to ensure that transparency for interest representatives and citizens which underpins their trust in the good functioning of the joint framework;

Role of the European Parliament

17. Welcomes the commitments made by Parliament in the course of the negotiations, notably on the proposal "Closing the loopholes – Parliament's proposals on conditionality" and

insists on the need to fully implement and publish them in accordance with Article 5(3) of the Agreement without undue delay;

18. Stresses the need to ensure that, within Parliament, there is a high degree of political ownership of the implementation and review process; suggests that the review process provided for in Article 14 of the Agreement should be informed by, and shaped in, close cooperation with Parliament's Vice-President responsible for the transparency register;
19. Calls specifically for the following measures to be swiftly implemented by the Bureau and other relevant bodies:
 - (a) establishing a direct link between the publication of the meetings under Rule 11(3) and the transparency register and introducing substantive improvements in order to render this publication tool fully user-friendly and searchable;
 - (b) establishing a direct link between the legislative footprint provided for in Article 4(6) of the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest, contained in Annex I to its Rules of Procedure, and the transparency register;
 - (c) introducing a rule for Parliament's officials from Head of Unit level to Secretary General, to meet only with registered interest representatives;
 - (d) issuing a recommendation for Parliament's staff to meet with individuals or organisations in the scope of the transparency register only if those are registered and to systematically verify that fact prior to their meetings;
 - (e) developing a comprehensive approach in order to make participation as a speaker at all events organised by committees or by intergroups, such as workshops and seminars as well as delegation meetings, conditional upon registration for anyone falling under the scope of the transparency register;
 - (f) developing a comprehensive and coherent approach with regard to co-hosting of events on Parliament's premises and making it, where appropriate, conditional upon registration for anyone falling under the scope of the transparency register;
20. Calls specifically on the Conference of the Committee Chairs
 - (a) to adopt guidelines in order to support rapporteurs, shadow rapporteurs and committee Chairs to fulfil their obligations under Rule 11(3);
 - (b) to adopt guidelines for committee secretariats to support Members by systematically reminding them of the possibility to publish, in line with Article 4(6) of the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest, contained in Annex I to its Rules of Procedure, the list of interests representatives who have been consulted on matters pertaining to the subject of the report;
21. Calls on the Committee on Constitutional Affairs to consider, in the process of revision of the Parliament's Rules of Procedure, further transparency measures which should be introduced in order to enhance Parliament's commitment to the joint framework;

underlines the importance of the formal requirements that apply to any revision of the Rules of Procedure;

Eligibility, code of conduct, information to be provided by the registrants

22. Notes that observance of the code of conduct, set out in Annex I to the Agreement, is part of the eligibility criteria and that registrants are to take into account confidentiality requirements and rules applicable to former Members and staff of the institutions which apply to those Members and staff after leaving office;
23. Welcomes clarification that registrants are not released from the obligation to ensure the observance of the same ethical standards when they outsource part of their activities to others;
24. Welcomes the fact that registrants are obliged to publish financial information of both clients and intermediaries and that financial information is also required from registrants who do not represent commercial interests; welcomes the fact that registrants are obliged not only to publish financial information once a year but also to keep that information up-to-date, in particular where a significant change occurs to details subject to implementing decisions;
25. Highlights that registrants are now obliged to provide information about the legislative proposals, policies or initiatives that they target; considers that this will contribute to increasing the transparency of the interests that they represent;

Secretariat and Management Board

26. Welcomes the undertaking to increase resources for maintenance, development and promotion of the register, as well as the Council's formal contribution to the Secretariat; believes that such commitments to the joint framework should enhance the capacity of the Secretariat to provide timely guidance to the registrants and support them in the registration and update of the requested data; points out, in particular, that human resources are very limited in proportion to the number of registrants in comparison with similar national schemes and that that limitation hampers the efficiency of the operation of the register; calls on the institutions to ensure the provision of the resources and staff necessary in order to guarantee the proper functioning of the Secretariat and the Management Board;
27. Considers that the equal footing of all three institutions in the operation of the Secretariat and of the Management Board should ensure consensus, develop the joint ownership of the framework and foster a common culture of transparency;
28. Welcomes the creation of the Management Board and its task to oversee the overall administrative implementation of the Agreement and act as review body for the measures taken by the Secretariat; welcomes the fact that the Agreement includes a robust administrative procedure ensuring the procedural rights of the registrants;

Procedural provisions

29. Approves the conclusion of the Agreement contained in Annex A to this Decision;

30. Approves the political statement of the European Parliament, the Council of the European Union and the European Commission contained in Annex B to this Decision, which will be published in the L series of the *Official Journal of the European Union* together with the Agreement;
31. Decides that, in accordance with Article 9 and Article 15(2) of the Agreement, as from the entry into force of the Agreement, the Management Board and the Secretariat shall be empowered to adopt on behalf of the European Parliament individual decisions concerning applicants and registrants, in accordance with the interinstitutional agreement of [insert: date and reference] on a mandatory transparency register;
32. Instructs its President to sign the Agreement with the President of the Council and the President of the Commission and arrange for its publication in the *Official Journal of the European Union*;
33. Instructs its President to forward this decision, including its Annexes, to the Council, the Commission and the parliaments of the Member States for information.

ANNEX A: INTERINSTITUTIONAL AGREEMENT BETWEEN THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION, AND THE EUROPEAN COMMISSION ON A MANDATORY TRANSPARENCY REGISTER

THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND
THE EUROPEAN COMMISSION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 295 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Whereas:

- (1) The European Parliament, the Council of the European Union and the European Commission ('the signatory institutions') maintain an open, transparent and regular dialogue with representative associations and civil society in accordance with the Treaty on European Union (TEU), and in particular Article 11(1) and (2) thereof.
- (2) That dialogue enables stakeholders to present their views on decisions that may affect them and hence to contribute effectively to the evidence base on which policy proposals are made. Engaging with stakeholders enhances the quality of decision-making by providing channels for external views and expertise to be given.
- (3) Transparency and accountability are essential for maintaining the trust of Union citizens in the legitimacy of the political, legislative and administrative processes of the Union.
- (4) The signatory institutions recognise the importance of coordinating their approach through the adoption of a joint framework for their cooperation, in order to further promote interest representation that is transparent and ethical.
- (5) Transparency concerning interest representation is especially important in order to allow citizens to follow the activities and be aware of the potential influence of interest representatives, including influence exercised through financial support and sponsorship. Such transparency is best ensured by means of a code of conduct which contains the rules and principles to be observed by interest representatives that sign up to a transparency register (the 'register').

- (6) In view of the positive experience with the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation established by the agreement between the European Parliament and the European Commission of 16 April 2014¹ ('the 2014 Agreement'), the signatory institutions consider that the scope of the 2014 Agreement should be expanded.
- (7) It is necessary to make the register mandatory by putting in place, by means of individual decisions adopted by each of the signatory institutions, measures of equivalent effect that make registration of interest representatives in the register a necessary precondition for carrying out certain types of interest representation activities.
- (8) In order to further strengthen the joint framework and build on the progress made in establishing a common transparency culture, the signatory institutions should publish on the website of the register conditionality and complementary transparency measures that they put in place to encourage registration, such as dedicated mailing lists, the recommendation that certain decision-makers meet only registered interest representatives, or the publication of information on meetings between certain decision-makers and interest representatives.
- (9) In order to promote this Agreement beyond the signatory institutions, it should provide for arrangements that allow Union institutions, bodies, offices and agencies, other than the signatory institutions, and Member States' permanent representations that voluntarily wish to apply the operating principles of the joint framework to benefit from the assistance of the secretariat of the register and its helpdesk support.
- (10) In order to avoid an unnecessary administrative burden and in line with current practice as regards registration, activities carried out by interest representatives exclusively on behalf of an association or network of which they are part should be considered to be activities of that network or association.
- (11) Activities of public authorities of Member States, as well as of any association or network of such public authorities that acts on their behalf at Union, national or subnational level, should not be covered by this Agreement, although associations

¹ Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation (OJ L 277, 19.9.2014, p. 11.).

and networks of public authorities at Union, national or subnational level engaging in interest representation activities should be allowed to register.

- (12) The practice of adopting an annual report on the functioning of the register should be maintained as a tool to ensure appropriate visibility for the coordinated approach of the signatory institutions and to bolster citizens' trust. The scope of the annual report should be expanded to cover conditionality and complementary transparency measures put in place by the signatory institutions.
- (13) The functioning of the register should not impinge on the competences of any of the signatory institutions or affect their respective powers of internal organisation.
- (14) In the exercise of their respective powers of internal organisation, the signatory institutions should delegate to the secretariat and the management board of the register the power to act on their behalf for the adoption of individual decisions concerning applicants and registrants, in accordance with this Agreement. The signatory institutions should be co-defendants in any legal action brought before the Court of Justice of the European Union against final decisions of the management board of the register that adversely affect applicants or registrants.
- (15) The signatory institutions should act in mutual sincere cooperation in implementing this Agreement.
- (16) Any of the signatory institutions should be able to pursue other good governance and transparency policies outside the framework of this Agreement, to the extent that such policies do not interfere with the implementation of and the objectives pursued by this Agreement.
- (17) This Agreement is without prejudice to the exercise of rights under Article 11(4) TEU, concerning the European citizens' initiative, and Article 227 of the Treaty on the functioning of the European Union (TFEU), concerning the right to petition the European Parliament,

AGREE AS FOLLOWS:

Article 1

Purpose and scope

This Agreement establishes a framework and operating principles for a coordinated approach on the part of the signatory institutions as regards transparent and ethical interest

representation.

By means of individual decisions taken on the basis of their powers of internal organisation, the signatory institutions agree to implement the coordinated approach referred to in the first paragraph with regard to the activities covered by this Agreement ('covered activities') and to set out those covered activities that they decide to make conditional upon registration in the register.

Article 2

Definitions

For the purposes of this Agreement, the following definitions apply:

- (a) 'interest representative' means any natural or legal person, or formal or informal group, association or network, that engages in covered activities;
- (b) 'applicant' means any interest representative that applies to be entered in the register;
- (c) 'registrant' means any interest representative with an entry in the register;
- (d) 'client' means any interest representative that has entered into a contractual relationship with an intermediary for the purpose of that intermediary advancing that interest representative's interests by carrying out covered activities;
- (e) 'intermediary' means any interest representative that advances the interests of a client by carrying out covered activities;
- (f) 'client-intermediary relationship' means any contractual relationship between a client and an intermediary concerning the carrying out of covered activities;
- (g) 'staff' means staff subject to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68¹, employed by any of the signatory institutions, irrespective of the category to which they belong;
- (h) 'conditionality' means the principle whereby registration in the register is a necessary precondition for interest representatives to be able to carry out certain covered activities.

Article 3

¹ OJ L 56, 4.3.1968, p. 1.

Covered activities

1. This Agreement shall cover activities carried out by interest representatives with the objective of influencing the formulation or implementation of policy or legislation, or the decision-making processes of the signatory institutions or other Union institutions, bodies, offices and agencies (together referred to as 'Union institutions'), without prejudice to Article 4.
2. In particular, covered activities referred to in paragraph 1 include inter alia:
 - (a) organising or participating in meetings, conferences or events, as well as engaging in any similar contacts with Union institutions;
 - (b) contributing to or participating in consultations, hearings or other similar initiatives;
 - (c) organising communication campaigns, platforms, networks and grassroots initiatives;
 - (d) preparing or commissioning policy and position papers, amendments, opinion polls and surveys, open letters and other communication or information material, and commissioning and carrying out research.

Article 4

Activities not covered

1. This Agreement shall not cover the following activities:
 - (a) the provision of legal and other professional advice, where:
 - (i) it consists of representing clients in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before a judicial or administrative body;
 - (ii) the advice is given to clients to help them ensure that their activities comply with the existing legal framework; or
 - (iii) it consists of representing clients and safeguarding their fundamental or procedural rights, such as the right to be heard, the right to a fair trial, and the right of defence in administrative proceedings, and includes activities carried out by lawyers or by any other professionals involved in representing clients and safeguarding their fundamental or procedural

rights;

- (b) making submissions as a party or a third party in the framework of a legal or administrative procedure established by Union law or by international law applicable to the Union, and submissions based on a contractual relationship with any of the signatory institutions or based on a grant agreement financed by Union funds;
- (c) activities of the social partners acting as participants in social dialogue pursuant to Article 152 TFEU;
- (d) making submissions in response to direct and specific requests from any of the Union institutions, their representatives or staff, for factual information, data or expertise;
- (e) activities carried out by natural persons acting in a strictly personal capacity and not in association with others;
- (f) spontaneous meetings, meetings of a purely private or social character and meetings taking place in the context of an administrative procedure established by the TEU or TFEU or legal acts of the Union.

2. This Agreement shall not cover activities carried out by the following bodies:

- (a) public authorities of Member States, including their permanent representations and embassies, at national and subnational level;
- (b) associations and networks of public authorities at Union, national or subnational level, on condition that they act exclusively on behalf of the relevant public authorities;
- (c) intergovernmental organisations, including agencies and bodies emanating from them;
- (d) public authorities of third countries, including their diplomatic missions and embassies, except where such authorities are represented by legal entities, offices or networks without diplomatic status or are represented by an intermediary;
- (e) political parties, with the exception of any organisations created by or affiliated with political parties;

- (f) churches and religious associations or communities as well as philosophical and non-confessional organisations referred to in Article 17 TFEU, with the exception of offices, legal entities, or networks created to represent churches, religious communities or philosophical and non-confessional organisations in their relations with the Union institutions, as well as their associations.

Article 5

Conditionality and complementary transparency measures

1. The signatory institutions commit to the principle of conditionality, which they shall implement by means of individual decisions on the basis of their powers of internal organisation.
2. When adopting conditionality or complementary transparency measures to encourage registration and strengthen the joint framework established by this Agreement, the signatory institutions shall ensure that such measures are consistent with this Agreement and that they reinforce the objective of the coordinated approach referred to in Article 1, namely, to set a high standard of transparent and ethical interest representation at Union level.
3. Conditionality and complementary transparency measures adopted by the signatory institutions shall be made public on the website of the register, which shall be regularly updated.

Article 6

Eligibility and code of conduct

1. Applicants that submit a complete application for registration shall be eligible to be entered in the register if they carry out covered activities and observe the code of conduct set out in Annex I ('code of conduct').
2. When submitting an application for registration, applicants shall provide the information listed in Annex II and shall agree to that information being made available in the public domain.
3. Applicants may be requested to substantiate their eligibility to be entered in the register and the accuracy of the information submitted by them.
4. The secretariat of the register ('the Secretariat') shall activate an applicant's registration once the applicant's eligibility has been established and the registration is

considered to satisfy the requirements set out in Annex II.

5. Once an applicant's registration has been activated, the applicant shall become a registrant.
6. The Secretariat shall monitor registrations and evaluate registrants' ongoing eligibility and observance of the code of conduct, in accordance with the procedures set out in Annex III.
7. The Secretariat may carry out investigations on the basis of a complaint alleging that a registrant has not observed the code of conduct, as well as on its own initiative in the light of information that the registrant may no longer satisfy the requirements for eligibility under paragraph 1.
8. In the context of monitoring or of an investigation by the Secretariat, registrants shall in particular:
 - (a) present, if requested, supporting material demonstrating that the information relating to their registration continues to be accurate; and
 - (b) cooperate sincerely and constructively in accordance with the procedures set out in Annex III.

Article 7

Management Board

1. The management board of the register ('Management Board') shall consist of the Secretaries-General of the signatory institutions, who shall chair it on a rotating basis for a term of one year.
2. The Management Board shall:
 - (a) oversee the overall implementation of this Agreement;
 - (b) determine the annual priorities for the register as well as the budget estimates and share required for the implementation of those priorities;
 - (c) issue general instructions to the Secretariat;
 - (d) adopt the annual report referred to in Article 13;
 - (e) examine and decide upon reasoned requests for review of the Secretariat's decisions in accordance with point 9 of Annex III.
3. The Management Board shall meet at least annually at the initiative of its Chair. It

may also meet upon the request of one of its members.

4. The Management Board shall decide by consensus.

Article 8

Secretariat

1. The Secretariat shall be a joint operational structure set up to manage the functioning of the register. It shall be made up of the heads of unit, or equivalent, responsible for transparency issues in each signatory institution ('heads of unit') and their respective staff.
2. One of the heads of unit shall be designated to act as 'Coordinator' by the Management Board for a renewable term of one year. The Secretariat shall operate under the coordination of the Coordinator.

The Coordinator shall represent the Secretariat and oversee its day-to-day work, in the common interest of the signatory institutions.

3. The Secretariat shall:
 - (a) report to the Management Board, prepare its meetings and assist it in its tasks;
 - (b) establish guidelines for registrants, to ensure that this Agreement is applied consistently;
 - (c) decide upon the eligibility of applicants and monitor the content of the register, with the aim of achieving an optimal level of data quality in the register, on the understanding, however, that registrants are ultimately responsible for the accuracy of the information they have provided;
 - (d) provide helpdesk support to applicants and registrants;
 - (e) carry out investigations and apply measures in accordance with Annex III;
 - (f) undertake communication and awareness-raising actions aimed at stakeholders;
 - (g) draft the annual report referred to in Article 13;
 - (h) be responsible for IT development and maintenance of the register;
 - (i) exchange best practice and experience with similar bodies concerning the transparency of interest representation;
 - (j) carry out any other activities necessary for the implementation of this

Agreement.

4. The Secretariat shall decide by consensus of the heads of unit.

Article 9

Empowerment

The Management Board and the Secretariat shall carry out the tasks assigned to them pursuant to Articles 7 and 8 and, in carrying out those tasks, shall be empowered to adopt decisions on behalf of the signatory institutions.

Article 10

Resources

1. The signatory institutions shall ensure that the necessary human, administrative, technical and financial resources are made available, including adequate staffing for the Secretariat, so as to ensure that implementation of this Agreement is effective.
2. Without prejudice to point (b) of Article 7(2) and taking into due consideration the different size of the institutions' establishment plans, the signatory institutions shall take the necessary steps to finance the maintenance, development and promotion of the register.

Article 11

Voluntary involvement of Union institutions, bodies, offices and agencies, other than the signatory institutions

1. Union institutions, bodies, offices and agencies, other than the signatory institutions, may notify the Management Board of measures by means of which they decide to make certain activities conditional upon registration in the register, or of any complementary transparency measures that they take.
2. Where the Management Board considers that the measures referred to in paragraph 1 are consistent with the objectives pursued by this Agreement, it may, with the Union institution, body, office or agency concerned, agree conditions under which that institution, body, office or agency may benefit from the Secretariat's assistance and helpdesk support. Any measures notified under paragraph 1 shall be published on the website of the register.

Article 12

Voluntary involvement of Member States' permanent representations

Member States may notify the Management Board of measures taken, in accordance with national law, by means of which they decide to make certain activities targeting their permanent representations conditional upon registration in the register, or of any complementary transparency measures that they take. Any measures so notified shall be published on the website of the register.

Article 13

Annual report

1. The Management Board shall adopt an annual report on the functioning of the register during the preceding year.
2. The annual report shall include:
 - (a) a chapter on factual information on the register, its content and any changes concerning the register;
 - (b) a chapter on the conditionality and complementary transparency measures, referred to in Article 5, which are in force.
3. The Management Board shall submit the annual report to the signatory institutions and shall ensure that it is published on the website of the register.

Article 14

Review

1. The signatory institutions shall assess the implementation of measures taken pursuant to Article 5 by ... [one year after the date of entry into force of this Agreement], and regularly thereafter, with a view, where appropriate, to making recommendations on the improvement and reinforcement of such measures.
2. This Agreement shall be subject to a review no later than ... [four years after the date of entry into force of this Agreement].

Article 15

Final and transitional provisions

1. This Agreement shall be of a binding nature for the signatory institutions.
2. For the purposes of Article 9, each signatory institution commits to adopting a decision which shall read as follows:

“The Management Board and the Secretariat shall be empowered to adopt on behalf

of the [insert: name of the institution] individual decisions concerning applicants and registrants, in accordance with the Interinstitutional Agreement of [insert: date and reference] on a mandatory transparency register.”.

Those decisions shall enter into force on the date of entry into force of this Agreement.

3. This Agreement shall replace the 2014 Agreement, the effects of which shall cease to apply from the date of entry into force of this Agreement.
4. This Agreement shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
5. Registrants who were entered in the register before the date of entry into force of this Agreement shall, for a period of six months from the date of entry into force of this Agreement, be entitled to amend their registration to satisfy the new requirements resulting from this Agreement in order to remain on the register.
6. Any investigations of alerts or complaints opened under the 2014 Agreement shall be carried out in accordance with the procedure laid down in that Agreement.

Done at [place], [date].

For the European Parliament
The President

For the Council
The President

For the Commission
The President

ANNEX I
CODE OF CONDUCT

Registrants shall operate in line with the rules and principles set out in this Annex. In particular, registrants shall:

- (a) in their relations with any of the signatory institutions and other Union institutions, bodies, offices or agencies (together referred to as ‘Union institutions’), always identify themselves by name, by registration number and by the entity or entities they work for or represent;
- (b) declare the interests and objectives they promote, and specify the clients or members whom they represent as well as, where applicable, the registration number of those clients or members;
- (c) not obtain or try to obtain information or decisions dishonestly or by use of undue pressure, improper behaviour or offensive language;
- (d) not abuse their registration for commercial gain or distort or misrepresent the effect of registration;
- (e) not damage the reputation of the register or cause prejudice to the Union institutions or use their logos without express authorisation;
- (f) ensure that the information that they provide upon registration, and subsequently administer in the framework of their covered activities, is complete, up-to-date, accurate and not misleading, and agree to that information being made available in the public domain;
- (g) respect, and avoid obstructing the implementation and application of, the relevant publicly available rules, codes and guidelines established by the Union institutions;
- (h) not induce Members of the European Parliament, members of the Commission or staff of the Union institutions to contravene the rules and standards of behaviour applicable to them;
- (i) if employing former Members of the European Parliament, members of the Commission or staff of the Union institutions, take the confidentiality requirements and rules

applicable to those individuals after leaving the respective institution duly into account, with a view to preventing conflicts of interest;

- (j) where engaged in a client-intermediary relationship:
 - (i) ensure that the parties in such a relationship are entered in the register; and
 - (ii) as clients or intermediaries, ensure that the relevant information concerning the relationship entered in the register pursuant to Annex II is published;
- (k) where, for the purpose of carrying out covered activities, they outsource certain tasks to third parties that are not themselves registered, ensure that such parties adhere to ethical standards that are at least equivalent to those that apply to registrants;
- (l) present to the Secretariat, if requested, supporting material demonstrating their eligibility and the accuracy of the information submitted, and cooperate sincerely and constructively with the Secretariat;
- (m) acknowledge that they may be subject to the investigation procedures and, where applicable, measures provided for in Annex III;
- (n) take appropriate steps to ensure that any of their employees engaged in covered activities are informed about their commitment as registrants to observe this code of conduct;
- (o) inform the clients or members they represent in the framework of covered activities of their commitment as registrants to observe this code of conduct;
- (p) respect, and avoid obstructing, the specific access and security rules and arrangements established by the signatory institutions.

ANNEX II

INFORMATION TO BE ENTERED IN THE REGISTER

This Annex sets out the information that shall be available in the register. That information shall be provided by applicants or, as the case may be, registrants, except where it is entered automatically.

I. GENERAL INFORMATION

- (a) name of the entity; address of the head office and the office in charge of relations with the Union, if different from the head office; phone number; e-mail address¹; website;
- (b) form of the entity;
- (c) interests represented;
- (d) confirmation that the applicant operates in accordance with the code of conduct;
- (e) name of the person legally responsible for the entity and of the person in charge of relations with the Union;
- (f) an annual estimate of the full-time equivalents for the persons involved in covered activities according to the following percentages of a full-time activity: 10 %, 25 %, 50 %, 75 % or 100 %;
- (g) goals, remit, fields of interest and geographical level of engagement;
- (h) organisations of which the registrant is a member and entities with which the registrant is affiliated;
- (i) registrant's members and/or affiliation with relevant networks and associations.

II. LINKS TO UNION INSTITUTIONS

- (a) Union legislative proposals, policies or initiatives targeted by the covered activities;

¹ E-mail address provided will not be published.

- (b) membership of Commission expert groups¹ and other Union supported forums and platforms;
- (c) membership or support of, or participation in, intergroups and other unofficial grouping activities organised on the European Parliament’s premises;
- (d) names of persons with authorisation to access the European Parliament’s premises².

III. FINANCIAL INFORMATION

Registrants, including intermediaries, shall declare the amount and source of any Union grants contributing to their operating costs. The amounts declared shall be in euros.

- (a) Registrants promoting their own interests or the collective interests of their members vis-à-vis any of the signatory institutions shall provide an up-to-date estimate of the annual costs related to covered activities according to the grid below. The estimate of annual costs shall cover a full year of operations and refer to the most recent financial year closed, as of the date of registration or the date of the annual update of the registration details.

Bracket size of annual costs, in euros:

< 10 000

10 000 – 24 999

25 000 – 49 999

50 000 – 99 999

100 000 – 199 999

200 000 – 299 999

¹ Membership of expert groups shall be inserted in the register automatically. Registration shall not confer an automatic entitlement to such membership.

² Registrants can request authorisation for access to the European Parliament's premises at the end of the registration process. The names of individuals who receive access passes to the European Parliament's premises shall be automatically inserted in the register. Registration shall not confer an automatic entitlement to such an access pass.

300 000 – 399 999

400 000 – 499 999

500 000 – 599 999

600 000 – 699 999

700 000 – 799 999

800 000 – 899 999

900 000 – 999 999

1 000 000 – 1 249 999

1 250 000 – 1 499 999

1 500 000 – 1 749 999

1 750 000 – 1 999 999

2 000 000 – 2 249 999

2 250 000 – 2 499 999

2 500 000 – 2 749 999

2 750 000 – 2 999 999

3 000 000 – 3 499 999

3 500 000 – 3 999 999

4 000 000 – 4 499 999

4 500 000 – 4 999 999

5 000 000 – 5 499 999

5 500 000 – 5 999 999

6 000 000 – 6 499 999

6 500 000 – 6 999 999

7 000 000 – 7 999 999

8 000 000 – 8 999 999

9 000 000 – 9 999 999

≥ 10 000 000

Clients shall declare the intermediaries carrying out covered activities on their behalf and the cost for each individual intermediary according to the grid below. The estimate of annual costs shall cover a full year of operations and refer to the most recent financial year closed, as of the date of registration or the date of the annual update of the registration details.

Any current intermediaries that are not covered by the most recent financial year closed shall be declared separately by name.

Bracket size of representation costs per intermediary, in euros:

< 10 000

10 000 – 24 999

25 000 – 49 999

50 000 – 99 999

100 000 – 199 999

200 000 – 299 999

300 000 – 399 999

400 000 – 499 999

500 000 – 599 999

600 000 – 699 999

700 000 – 799 999

800 000 – 899 999

900 000 – 999 999

≥ 1 000 000

- (b) Intermediaries shall declare the estimated total annual revenue generated that is attributable to covered activities according to the grid below. The estimated total annual revenue generated shall cover a full year of operations and refer to the most recent financial year closed, as of the date of registration or the date of the annual update of the registration details.

Revenue from individual clients for covered activities shall also be listed according to the grid below, accompanied by an indication of the Union legislative proposals, policies or initiatives targeted by the covered activities:

Bracket size of revenue generated per client, in euros:

< 10 000

10 000 – 24 999

25 000 – 49 999

50 000 – 99 999

100 000 – 199 999

200 000 – 299 999

300 000 – 399 999

400 000 – 499 999

500 000 – 599 999

600 000 – 699 999

700 000 – 799 999

800 000 – 899 999

900 000 – 999 999

≥1 000 000

The estimated total annual revenue generated for covered activities shall be calculated automatically by the register based on the aggregate of the estimated revenue generated per client.

Intermediaries shall declare on the register the clients on behalf of whom covered activities are carried out.

Any current clients that are not covered by the most recent financial year closed shall be declared on the register separately by name.

- (c) Registrants that do not represent commercial interests shall provide the following financial information:
- (i) their total budget for the most recent financial year closed;
 - (ii) their main sources of funding by category: Union funding, public financing, grants, donations, their members' contributions etc.;
 - (iii) the amount of each contribution they received exceeding 10 % of their total budget, if the contributions are above EUR 10 000, and the name of the contributor.

ANNEX III

MONITORING, INVESTIGATIONS AND MEASURES

1. General principles

- 1.1. The Secretariat may open an investigation on the basis of a complaint alleging that a registrant has not observed the code of conduct ('non-observance') as well as on its own initiative in the light of information that the registrant may be ineligible.
- 1.2. An investigation is an administrative procedure involving the Secretariat and the registrant concerned, as well as, where the investigation was not opened on the Secretariat's own initiative, the third party that lodged the complaint ('complainant').
- 1.3. When an investigation has been opened, the Secretariat may suspend the registration concerned as a precaution. The Secretariat shall immediately inform the registrant concerned of its decision to suspend the registration, providing a reasoned explanation for its decision.

2. Admissibility of complaints

- 2.1. Any natural or legal person may lodge a complaint with the Secretariat concerning a registrant's alleged non-observance. Complaints shall be submitted in writing. In order to be admissible, the complaint shall:
 - (a) identify the registrant concerned and clearly set out the details of the complaint;
 - (b) provide the name and contact details of the complainant;
 - (c) be lodged within one year of the alleged non-observance;
 - (d) be supported by evidence demonstrating a reasonable probability of non-observance.
- 2.2. Where a complaint is inadmissible, the Secretariat shall notify the complainant accordingly, providing a reasoned explanation for its decision.

3. Complaints procedure

- 3.1. Following receipt of an admissible complaint, the Secretariat shall open an investigation and notify the complainant and the registrant concerned.
- 3.2. The registrant concerned shall receive a copy of the complaint, including any annexes, and be asked to provide a reasoned response within 20 working days.
- 3.3. The Secretariat shall take into account any reasoned response received under point 3.2, gather any relevant information, and draft a report on its findings.
- 3.4. Where the report finds that the registrant concerned has not observed the code of conduct, the Secretariat shall notify the registrant accordingly. That notification may also contain:
 - (a) instructions to remedy the non-observance within 20 working days of receipt of the notification; and
 - (b) a formal warning that measures may be taken if the non-observance is not remedied or recurs.
- 3.5. The Secretariat shall declare the registrant concerned eligible to remain on the register and close the investigation, where one of the following applies:
 - (a) the alleged non-observance primarily concerns point (f) of the code of conduct and is remedied within 20 working days of receipt of the notification under point 3.1;
 - (b) the report finds that the registrant has observed the code of conduct;
 - (c) the registrant remedies the non-observance after being notified under point (a) of point 3.4;
 - (d) a formal warning under point (b) of point 3.4 is deemed sufficient.
- 3.6. The Secretariat shall declare the registrant concerned ineligible and close the investigation, where the report finds that the registrant has not observed the code of conduct and one of the following applies:
 - (a) the registrant has not remedied the non-observance after being notified under point (a) of point 3.4;

(b) a formal warning under point (b) of point 3.4 is deemed insufficient.

3.7. Once the Secretariat has drafted its report, it shall provide the registrant concerned with a copy of that report upon request.

4. Monitoring and own-initiative investigations

4.1. The Secretariat may request that registrants amend their registrations where it has reason to believe that those registrations do not accurately provide the information specified in Annex II.

4.2. Where a request under point 4.1 is made, the Secretariat may suspend the registration concerned as a precaution.

4.3. Where the registrant concerned does not cooperate sincerely and constructively, the Secretariat may remove from the register a registration that is subject to a request under point 4.1.

4.4. The Secretariat may open an investigation on its own initiative in the light of information that a registrant may be ineligible.

4.5. Where the Secretariat opens an investigation on its own initiative, it shall notify the registrant concerned and ask the registrant to provide a reasoned response within 20 working days.

4.6. The Secretariat shall take into account any reasoned response received under point 4.5, gather any relevant information, and draft a report on its findings..

4.7. Where the report finds that the registrant concerned is ineligible, the Secretariat shall notify the registrant accordingly. That notification may also contain:

(a) instructions to remedy the ineligibility within 20 working days of receipt of the notification; and

(b) a formal warning that measures may be imposed if the ineligibility is not remedied or recurs.

4.8. The Secretariat shall declare the registrant concerned eligible and close the investigation, where one of the following applies:

- (a) the investigation primarily concerns a suspected absence of covered activities and the registrant concerned demonstrates, within 20 working days of receipt of the notification under point 4.5, that they carry out covered activities;
- (b) the report finds that the registrant is eligible;
- (c) the registrant remedies the ineligibility after being notified under point (a) of point 4.7;
- (d) a formal warning under point (b) of point 4.7 is deemed sufficient.

4.9. The Secretariat shall declare the registrant concerned ineligible and close the investigation where the investigation primarily concerns a suspected absence of covered activities and the registrant concerned does not demonstrate, within 20 working days of receipt of the notification under point 4.5, that they carry out covered activities

4.10. The Secretariat shall declare the registrant concerned ineligible and close the investigation where the report referred to in point 4.6 finds that the registrant is ineligible and one of the following applies:

- (a) the registrant does not remedy the ineligibility after being notified under point (a) of point 4.7;
- (b) a formal warning under point (b) of point 4.7 is deemed insufficient.

4.11. Once the Secretariat has drafted its report, it shall provide the registrants concerned with a copy of that report upon request.

5. Cooperation with the Secretariat during investigations

5.1. The Secretariat shall, where necessary, request the parties to an investigation to provide information relevant to the investigation within 20 working days of the request. The parties concerned may indicate which information provided by them should be considered sensitive.

5.2. The Secretariat may decide to hear the parties to an investigation.

5.3. The Secretariat may decide to extend the deadlines set in accordance with this

Annex, where requested by registrants and justified by reasonable grounds. That decision may also involve suspending the registration concerned for the duration of the investigation.

- 5.4. If the Secretariat considers that a registrant concerned by an investigation is not cooperating sincerely and constructively in the investigation, it may, after having given the registrant the possibility to make their views known in writing, close the investigation and remove the registration concerned from the register.

6. Right to be heard

The registrant shall have the possibility to make known their own views in writing before any decision establishing ineligibility is taken.

7. Decision

- 7.1. The Secretariat shall close an investigation with a reasoned decision. The Secretariat shall notify the parties concerned in writing of that decision. That decision shall specify whether ineligibility was established. Where applicable, the decision shall also specify the form of ineligibility and what measure was taken by the Secretariat as well as the relevant remedies.
- 7.2. Where the Secretariat establishes that a registrant is ineligible in accordance with point 7.1, it shall remove the registration concerned from the register.
- 7.3. The Secretariat may consider a request to reopen an investigation up to 20 working days after the parties concerned have been informed of its decision.
- 7.4. An investigation may only be reopened where information that was available before the Secretariat made its decision was, through no fault or oversight of the party making the request under point 7.3, not considered by the Secretariat when it made its decision.

8. Measures

- 8.1. Where the Secretariat removes a registration under point 7.2 due to it having established that the ineligibility relates to non-observance, it may also, where appropriate in the light of the seriousness of the non-observance:

- (a) prohibit the interest representative concerned from registering again for a period of between 20 working days and two years; and
- (b) publish the measure taken on the website of the register.

8.2. When deciding on the severity of the measure taken pursuant to point 8.1, the Secretariat shall duly take into account the relevant circumstances of an investigation, in the light of the objectives pursued by this Agreement.

8.3. Interest representatives subject to a prohibition under point (a) of point 8.1 may not register again until the period of removal has expired and the registrant has satisfactorily remedied the grounds that led to the removal.

9. Review

9.1. Registrants that are subject to measures taken under point 8.1 may lodge a reasoned request for review by the Management Board.

9.2. The request for review shall be sent to the Secretariat within 20 working days of receipt of the notification of the measure taken by the Secretariat.

9.3. Requests for review submitted in accordance with points 9.1 and 9.2 shall be forwarded to the Chair of the Management Board, who may refer the case to the full Management Board where appropriate or where requested by one of the other members of the Management Board.

9.4. A request for review shall not suspend the measure taken by the Secretariat, unless the Management Board decides otherwise on the basis of specific grounds set out in the request for review.

9.5. The Chair of the Management Board shall notify the registrants concerned of the Management Board's decision on the review within 40 working days of receipt of the request for review.

10. Remedies

Registrants that are not satisfied with a decision of the Management Board under point 9 may appeal to the Court of Justice of the European Union in accordance with Article 263 TFEU or

submit a complaint to the European Ombudsman in accordance with Article 228 TFEU.

ANNEX B: POLITICAL STATEMENT OF THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION ON THE OCCASION OF THE ADOPTION OF THE INTERINSTITUTIONAL AGREEMENT ON A MANDATORY TRANSPARENCY REGISTER

The European Parliament, the Council of the European Union and the European Commission recognise the importance of the principle of conditionality as a cornerstone of the coordinated approach the three institutions have taken with the aim of reinforcing a common transparency culture while setting high standards of transparent and ethical interest representation at Union level.

The European Parliament, the Council of the European Union and the European Commission acknowledge that the conditionality and complementary transparency measures in place regarding the following matters are consistent with the Interinstitutional Agreement on a Mandatory Transparency Register, reinforce the objective of their coordinated approach and constitute a firm basis on which to continue to build and to improve that approach and further strengthen ethical interest representation at Union level:

- meetings of decision-makers with registered interest representatives, where applicable¹;
- publication of meetings with interest representatives, where applicable²;
- meetings of staff, particularly at senior level, with registered interest representatives³;
- speaking at public hearings in the European Parliament⁴;
- membership of Commission's expert groups and participation in certain events, forums

¹ Rule 11(2) of the Rules of Procedure of the European Parliament; Article 7 of Commission Decision of 31 January 2018 on a Code of Conduct for the Members of the European Commission (C(2018)0700) (OJ C 65, 21.2.2018, p. 7); point V of the Working Methods of the European Commission.

² Rule 11(3) of the Rules of Procedure of the European Parliament; Commission Decision 2014/838/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals (OJ L 343, 28.11.2014, p. 19); Commission Decision 2014/839/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals (OJ L 343, 28.11.2014, p. 22).

³ Article 3 of the Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives; point V of the Working Methods of the European Commission.

⁴ Article 7 of the Decision of the Bureau of the European Parliament of 18 June 2003 on rules on public hearings.

or briefing sessions¹;

- access to the institutions' premises²;
- patronage for events for registered interest representatives, where relevant;
- the political declaration of Member States to voluntarily apply, in accordance with national law and competences, the conditionality principle to meetings of their Permanent Representative and their Deputy Permanent Representative with interest representatives during their Presidency of the Council and in the preceding six months, and any further voluntary measure of individual Member States in accordance with national law and competences beyond this, both of which are equally noted.

¹ Rule 35 of the Rules of Procedure of the European Parliament; Article 8 of Commission Decision of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups (C(2016)3301); Articles 4 and 5 of the Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives.

² Rule 123 of the Rules of Procedure of the European Parliament read in conjunction with the Decision of the Secretary-General of 13 December 2013 on rules governing passes and authorisations granting access to Parliament's premises; Article 6 of the Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives.