

Public Consultation on a proposal for a mandatory Transparency Register

Fields marked with * are mandatory.

Public Consultation on a proposal for a mandatory Transparency Register

The European Commission seeks the views of all interested parties on the performance of the current Transparency Register for organisations and self-employed individuals engaged in EU policy-making and policy implementation and on its future evolution towards a mandatory scheme covering the European Parliament, the Council of the EU and the European Commission.

QUESTIONNAIRE

*

Are you responding as:

- An individual in my personal capacity
- The representative of an organisation registered in the [Transparency Register](#)
- The representative of an organisation not registered in the Transparency Register

*

Please provide your Register ID no:

64270747023-20

*

Name of the organisation:

DIGITALEUROPE

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The organisation's head office is in:

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Germany
- Denmark
- Estonia
- Greece
- Spain
- Finland
- France
- Hungary
- Croatia
- Ireland
- Italy
- Lithuania
- Luxembourg
- Latvia
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Sweden
- Slovenia
- Slovak Republic
- United Kingdom
- Other country

*

*Your organisation belongs to the following type:

See a description of the below categories [here](#)

- Professional consultancies
- Law-firms
- Self-employed consultants
- Companies and groups
- Trade and business associations
- Trade unions and professional associations
- Other organisations including: event-organising entities (profit or non-profit making); interest-related media or research oriented entities linked to private profit making interests; ad-hoc coalitions and temporary structures (with profit-making membership)
- Non-governmental organisations, platforms, networks, ad-hoc coalitions, temporary structures and other similar organisations
- Think tanks and research institutions
- Academic institutions
- Organisations representing churches and religious communities
- Regional structures
- Other sub-national public authorities
- Transnational associations and networks of public regional or other sub-national authorities
- Other public or mixed entities, created by law whose purpose is to act in the public interest

Contact for this public consultation:

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A. GENERAL PART (7 questions)

1. Transparency and the EU

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

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

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE strongly believes that an open and transparent dialogue between stakeholders and EU institutions is central to achieving a healthy and democratic EU policy-making process. As such, DIGITALEUROPE has been a long-standing supporter of EU efforts to enhance transparency and has consistently promoted registration in the EU Transparency Register amongst our corporate and national association members. Furthermore, we have openly welcomed the Juncker Commission's self-imposed rules on publicly publishing information related to meetings between Commissioners/Cabinet officials/Director Generals and stakeholders.

Our commitment to transparency goes beyond registering to and frequently updating our Transparency Register profile. We proactively comment on our meetings with the EU Institutions in our monthly 'Digital Headlines' newsletter.

We wish to stress that industry representations such as DIGITALEUROPE play a vital role in the EU decision making process and we believe it is of critical importance for policy makers to receive input from experts in order to create legislation that meet the objectives of 'Better Regulation'.

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

More than one answer possible

- Integrity
- Equality of access
- Other (please elaborate in the comments box below)
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE has always placed integrity at the core of our relations with the EU institutions. However, beyond integrity, we believe that the legislation surrounding interest group engagement with policy makers must go beyond transparency. The relevance and expertise of stakeholders must be taken into account by the EU institutions as the quality of information is vital to creating legislation that is fit for purpose. As such, we believe that bodies representing collective interests must be recognised as playing a unique role in the policy making process.

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

- They are highly transparent
- They are relatively transparent
- They are not transparent at all
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE believes that the EU institutions make a strong effort to act in a transparent manner. As previously mentioned, we welcome the Juncker Commission's call to act in accordance with high ethical standards as clearly mentioned in President Juncker's "Political Guidelines of the Next European Commission".

However, we believe that there are various areas where the EU institutions can increase transparency for the benefit of all stakeholders. We would welcome greater transparency surrounding the impact assessment process including publication of findings as soon as possible along with further information surrounding methodology/data which led the Commission to its conclusions. We believe that impact assessments should form the cornerstone of identifying market failures and reasons for drafting legislation. As such, they should be published prior to the tabling of formal legislation rather than in conjuncture with draft legislation publication.

Furthermore, we would welcome greater transparency surrounding the trilogues as we find this to be an opaque part of the legislative process. We would also welcome further access to Council documents, including meeting agendas and minutes. Stakeholders would benefit from a timely publication of such documents. We also note that too often documents are vague and do not include a proper recap of deliberations between actors. Lastly, we would welcome enhanced transparency from the Commission when it comes to the preparation of draft delegated & implementing acts.

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

Do you consider the Transparency Register a useful tool for regulating lobbying?

- Very useful
- Somewhat useful
- Not useful at all
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE believes that the Transparency Register is a somewhat useful tool when it comes to regulating lobbying. We believe the underlying principles found within the Transparency Register code of conduct lead organisations to act in an ethical manner when engaging with the EU institutions. This is effectively coupled with a complaint mechanism to bring to light those organisations which are not following the code.

However, we believe there are areas where improvements can be made. This is particularly true in the case of financial disclosure where organisations often struggle to submit a disclosure due to ambiguity surrounding calculation of spending to be taken into account. We also believe that the Transparency Register should seek to include all relevant stakeholders who seek to engage with the EU institutions.

2. Scope of the Register

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

This definition is appropriate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

While DIGITALEUROPE partially agrees with the above classification, we believe that the definition requires further clarification as it often leads to misinterpretations between “influencing” and “advising”. Furthermore, we call on the Commission to provide more clarity on what is meant by “direct or indirect”. We encourage the Commission to consider the Council of Europe’s definition of lobbying as a clearer alternative “Lobbying means promoting specific interests by communicating with a public official as part of a structural and organised action aimed at influencing public decision-making.”

*

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

The scope of the Register should be:

- Changed to exclude certain types of entities (please elaborate in the comments box below)
- Changed to include certain types of entities (please elaborate in the comments box below)
- Preserved the same as currently
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE strongly believes that a truly functioning Transparency Register should apply to all entities, regardless of their origins, who would fall under the definition of an 'interest representation'. We question why there is a difference between local, municipal & city authorities and Member State government services as well as regional public authorities.

3. Register website

3.1 What is your impression of the Register [website](#)?

	Good	Average	Poor	No opinion
*Design and structure	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Availability of information / documents	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Ease of search function	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Accessibility (e.g. features for visually impaired persons, ease of reading page)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Access via mobile devices	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE encourages the EU institutions to disclose on the Transparency Register information related to membership in EU platforms such as 'high level working/expert groups'. While such information can be found today, we believe it would increase transparency by having this information linked to the Transparency Register. Furthermore, we call on the Commission to clarify/simplify the information published by entities. This is particularly true for financial declarations. Some entities often include salaries of their employees into their calculations which then misrepresenting their direct lobbying activities.

4. Additional comments

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

3000 character(s) maximum

If you wish you may provide additional information (position papers, reports, etc) in support of your answers to this public consultation. Please upload no more than three files of up to 1Mb each. Attachments above this number will not be considered.

Attach files

End of Part A

Part B includes questions that require a certain knowledge of the Transparency Register. Proceed to Part B (optional).

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Do you want to proceed to Part B ?

- Yes
 No

B. SPECIFIC PART (13 questions)

1. Structure of the Register

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1.1 The Register invites organisations to sign up under a particular section, for example, professional consultancies, NGOs, trade associations, etc (Annex I of the [Interinstitutional Agreement](#)).

Have you encountered any difficulties with this categorisation?

- Yes
 No
 No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

2. Data disclosure and quality

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

The right type of information is required from the registrant:

- Fully agree
- Too much is asked
- Too little is asked
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

While DIGITALEUROPE believes that the right type of information is currently asked from entities, we wish to express our disappointment that these questions seems to focus on the 'quantity' rather than the 'quality' of the information asked. DIGITALEUROPE is in favour of improving the validity and reliability of the information on the register and as such, we believe that the nature of the information required is not clear. As previously mentioned, this is particularly the case when assessing the costs of entities interest representation. We believe the Register must work to enhance the quality of data within this field and to do this a clear methodology for calculation is needed. The current situation has led to some entities reporting inflated sums, which greatly outnumber the true costs of their activities.

We wish to stress that trade associations offer a wide variety of services to their members which go beyond activities targeted at the EU institutions. Such activities include activities targeted at Member State policies, regional policies and internal actions. We therefore note that the inclusion of full membership fees in the overall financial calculation provides a distorted picture as some of these funds do not relate to EU interest representation.

However, we do support the Commission's goal of increasing transparency for those entities which are not clear on their structures, aims or financing, particularly when one or two entities finance the majority of their operations.

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2.2 It is easy to provide the information required:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE welcomes the Transparency Register guidelines, which provide some clarity on the methodology for entities to use when providing certain types of information. We welcome that the Commission does not ask for accounted financial costs, but instead an estimation of costs related to activities that are covered by the Register. However, as previously mentioned, we believe there is room for improvement when considering the methodology for how companies and trade associations should disclose their financial costs. This is particularly true for trade associations as a correct submission requires a yearly estimation of the percentage of membership fees spent on EU related interest activities. Such estimations are often subject to various interpretations across entities and lead to inevitable misrepresentations, which does not help the overall goal of transparency.

Furthermore, we believe that the methodology used to declare the number of people involved in lobbying activities is not clear (25% - 100%). Such a system leaves too much room for interpretations and has a negative impact on transparency.

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

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

Please see above our answer to question 2.2

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

- Good
- Average
- Poor
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

While we believe that some of the data found within the Register is of high quality, DIGITALEUROPE believes that the Register suffers from low data quality in some fields due to the wider interpretation of what needs to be declared and how it should be calculated prior to declaration. Such a situation leads to disparities and a lack of consistency in the information being disclosed. Furthermore, for many entities data is outdated and over/under estimated due to a lack of clear methodology for calculation. Lastly, as previously mentioned in question 2.2, the calculation and classification of 'number of people involved in lobbying activities' is unclear. These figures are often cited in studies/media reports about the activities of a given entity, leading to an unclear image about the size of an entity's interest representation activities.

3. Code of Conduct and procedure for Alerts and Complaints

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

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

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

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

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

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE believes that improvements can be made in the appeal process. We believe appeals should be confidential. Furthermore, we believe that if challenged, an entity should have the right to know the identity of the complainant and the reasons for the submission of the complaint.

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

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

DIGITALEUROPE believes that the names of entities that have been suspended by the Transparency Register should be made public, but only if the reasons for suspension are clearly described and connected to the suspension publication. We stress that no suspension should be made public until the appeal process has fully played out. Lastly, we believe that suspension publications should occur only for grave infractions. An entity's suspension should not be made public for infractions such as failing to update its registration within a given deadline.

4. Register website – registration and updating

4.1 How user-friendly is in your opinion the Register [website](#) in relation to registration and updating?

	Straightforward	Satisfactory but can be improved	Cumbersome	No opinion
*Registration process	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Updating process (annual & partial)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

5. Current advantages linked to registration

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

In the European Parliament (EP)

	Very important	Somewhat important	Not important	No opinion
<p>*Access to Parliament buildings : long-term access passes to the EP's premises are only issued to individuals representing, or working for registered organisations</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Committee public hearings: guests invited to speak at a hearing need to be registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Parliament does not grant its patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the European Commission

	Very important	Somewhat important	Not important	No opinion
<p>*Meetings: organisations or self-employed individuals engaged in relevant activities must be registered in order to hold meetings with Commissioners, Cabinet members and Directors-General</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Public consultations: the Commission sends automatic alerts to registered entities about consultations in areas of interest indicated by them; it differentiates between registered and non-registered entities when publishing the results</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Commissioners do not grant their patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Mailing lists: organisations featuring on any mailing lists set up to alert them about certain Commission activities are asked to register</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Expert groups: registration in the Transparency Register is required in order for members to be appointed (refers to organisations and individuals appointed to represent a common interest shared by stakeholders in a particular policy area)</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

6. Features of a future mandatory system

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6.1 Do you believe that there are further interactions between the EU institutions and interest groups that could be made conditional upon prior registration (e. g. access to MEPs and EU officials, events, premises, or featuring on specific mailing lists)?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

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

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

7. Looking beyond Brussels

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

- It is better
- It is worse
- It is neither better, nor worse
- No opinion

Good practices or lessons learned at the EU Member State level to be considered, or pitfalls to be avoided. (Optional)

4000 character(s) maximum

DIGITALEUROPE wishes to note that the EU institutions and Member States have different approaches to regulating interest groups. Such differences reflect the variety and type of interest representation activities that take place at the EU level and Member State level. While we encourage the Commission to evaluate Member State systems to assess whether improvements to the Transparency Register can be made, we believe that differences in EU and Member State level practices are reflections of the nature of activities at those levels. Any adaptations to the Transparency Register based upon Member State actions must be done only after testing whether a system which works at national level can effectively be applied at EU level. However, the Member States may draw some experiences from the EU Transparency Register and apply similar approach nationally to increase transparency in their respective countries.

8. Additional comments

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

3000 character(s) maximum

*Publication of your consultation

- I agree to my contribution being published.
- I do not agree to my contribution being published.

[Specific privacy statement](#)

Useful links

[Read more on the public consultation homepage](#)

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

Contact

SG-TRANSPARENCY-REGISTER-PUBLIC-CONSULTATION@ec.europa.eu
