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The change in lobbying after the Lisbon Treaty

Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort

**Transparency Register Conference organised by the British
Chamber of Commerce in Belgium**

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I would like to thank you for the opportunity to speak and exchange views tonight. I am particularly pleased to be here alongside Diana Wallis, with whom I have great pleasure to work on many issues, including transparency questions in particular.

One of our common achievements, of which we are both proud, is the common Transparency Register opened together with the European Parliament last June. It has been operational now for nearly six months.

Let me stress that our goal is not at all the stigmatisation of certain categories of interlocutor to be named and shamed on a black list. Our goal is fundamentally the opposite. It is to demonstrate to the public at large, with the help of all organisations sharing our commitment to high ethical standards, that the EU policy-making process is fed by a very wide range of contributors, legitimately expressing the viewpoints of Europe's citizens in their diversity.

Yes, there are organisations that are - and in some cases will remain - outside. With your help, they will be fewer and fewer and their absence from the register will thus not be a deficiency of the register. On the contrary, the register will give visibility to the fact that they have chosen to remain outside of the transparency and ethical framework expected by our institutions and our citizens.

I would like today to review briefly four elements with you:

- What we have achieved.
- Who still remains outside the scheme?
- What we have improved.
- What is the next step: The single register with the Parliament

What we have achieved

We have created a Transparency Register that works. It is today a part of the reality in Brussels. All those who said "we don't need it"/ "it will never fly" / "full self-regulation is sufficient" have been proven wrong. Let me underpin this assessment by three observations:

My first observation concerns the fact that, since the launch of the initial Commission register in June 2008, a cultural change has already taken place in Brussels.

- The question discussed today is no longer "do we need a Register?"
- The question today is rather: "how can we improve it?"
- Or for the non-registered lobbyists: "how to sign up"? – or "can I afford not to be part of this?"

Today, no serious lobbyist who cares about his reputation can afford to remain outside the Register. Not only Commission officials but also other lobbyists – let alone transparency NGOs! – expect that all those actively engaged in discussions with the Commission should be registered. To me, this is a real sign of the cultural change that has taken place in recent years.

A second observation is that we have really enhanced transparency:

- today, information which was only known to insiders some months ago is available to virtually everybody
- anyone can see now the multitude and diversity of actors engaged in activities aiming at influencing the decision-making process
- one can see that it is not only big business attempting to influence the decision-making process, but rather a wide range of organisations offering a diversified and balanced perspective to the decision makers.

My third observation is rather quantitative: We have not yet reached the half-way point of the transition phase between the Commission register and the new joint register. But the results are already very significant. For each individual organisation, passage from the old register to the new register is taking place when the entity updates its data. It therefore happens at the latest on the anniversary of their registration. This process is running smoothly and as of today, I am happy to report that the number of registrations in the joint register is now higher than the number still remaining in the old one. And, more significantly, their total has reached more than 4500 entities which is higher than the previous register.

This is significant: If one estimates an average of about 5 active lobbyists per registered entity, it means that more than 22000 people across Europe are now bound by a common code of conduct. We are well above the mythical - and it would appear under-estimated - figure of 15000 people engaged in influencing our institutions. Today, for more and more organisations, registering is a normal step to consolidate its image and reputation.

But even more importantly: the figures are still growing; new entities are registering every day, so the system has not yet reached saturation.

Who remains outside the scheme?

Even if, in light of this, we have reasons to be satisfied, we are not yet entirely satisfied. Two groups continue to remain outside the scheme: Law firms and think-tanks. As yet, these groups do not engage in our drive for transparency to the extent that we would expect them to.

Law firms

- It is a matter of fact that law firms engage in "lobbying" activities
- Some have specially dedicated "public affairs" units and some of their staff are not even lawyers.
- Others even promote themselves as "political lobbying powerhouses".
- When they seek to influence legislation in the making, they are competing with other operators and they should thus be subject to the same obligation of transparency. The Commission reconfirmed this view in October.
- There is no justification for differential treatment. There should be a level playing field between lobbyists.

Think-tanks

- Think tanks do bring valuable insights and analysis to the public authorities. But there are very different types of entities labelling themselves think tanks. Their financing sources are very varied and if they receive resources, it means someone has an interest in financing them. Why shouldn't this be transparent?

The onus is now on them. The Parliament and the Commission have put in place a system. Now it's up to the interest representatives to act!

What we have improved with the new register

A certain number of technical improvements have been brought to the web interface to make registration and data updates more user-friendly.

Clarification has been brought to the scope of eligible activities and more specific guidelines provided as to what the Commission considers as falling under the scope of the register. This includes not only the nature of activities themselves but also the nature of their targets in the institutional system.

Financial disclosure has been simplified through the abandonment of the option offered to lobbying practices to present data either under a percentage format or under a € amount format.

Discrepancies of treatment between small and larger firms have been curbed through the suppression of the 1 000 000 ceiling for detailed brackets as well as with the adoption of the new grid for the declaration of expenditures.

The issue of double counting has been clarified.

The scope of the exemption on legal advice and assistance has been more precisely defined.

Additional information on the number of individuals engaged in eligible activities now provides citizens with additional key information on the level of resources mobilised by the lobbying efforts. Financial investment is only one aspect of the global effort, it is neither necessarily sufficient nor the most effective to obtain an impact and a result.

Quality checks are now regularly operated with a view to identify, and limit, possible mistakes appearing in the Register or sometimes introduced voluntarily by its detractors.

But beyond these elements two new features are, or are about, to be added to the system:

- Not only will registered entities receive an alarm each time the Commission launches a public consultation in their field of interest, but they will also receive the roadmaps made public each year, along with the Work Programme of the Commission.
- The second new feature - and I am sure that Diana Wallis will be happy to say a word about it - concerns the opening of an additional module on-line which will make it possible for registered entities to use the Register web interface to introduce their request for the accreditation of their representatives and their fast-track access to the Parliament's buildings. This new module is being tested now and should be introduced on line before the end of year.

What will be the next step?

The current register has now reached a significant level. It has satisfied our objective to change the Brussels landscape with regard to the transparency of a key aspect of EU policy making, its legitimacy and its accountability: its interaction with all segments of society and stakeholders.

Time is now ripe for its extension to other institutions as well. Thus we would very much like the Council to join us in completing the scheme. Both Diana Wallis and I have made representations to the Council Presidency to this effect. We believe that it would strengthen even further the value of the register and its significance for citizens.

I think it is high time for Diana now to comment on these issues. I am very happy to leave the floor to her, before returning to tackle some of the questions that you might have and that we will be happy to answer.