

**EUROPEAN TRANSPARENCY INITIATIVE (ETI) –  
FREQUENTLY ASKED QUESTIONS (FAQ) ON THE COMMISSION'S  
REGISTER FOR INTEREST REPRESENTATIVES**

**1. When does the Register for interest representatives open and how can we register?**

The Register opens on 23. June 2008, both for registration and for information to the general public.

It is accessible on the internet: <http://ec.europa.eu/transparency/regrin>

**2. Who is expected to register?**

All entities engaged in “*activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions*” are expected to register. These activities include: contacting members or officials of the EU institutions, preparing, circulating and communicating letters, information material or argumentation and position papers, organising events, meetings or promotional activities (in the offices or in other venues) in support of an objective of interest representation.<sup>1</sup> This also includes activities that are part of formal consultations on legislative proposals and other open consultations.

Certain specific activities do not fall within this scope:

- Activities of legal and other professional advice, when they relate to the exercise of the fundamental right to a fair trial of a client, including the right of the defence in administrative proceedings;
- Activities of the social partners when they are part of the Social Dialogue;
- Activities in response to the Commission’s direct request.

As the title of the Register indicates, the Commission encourages all interest representatives to register, including such entities that do not consider themselves "lobbyists". Registration shows that an organisation represents interests. It does not mean that those registering can be labelled 'lobbyists'.

**3. Are law firms, Trade Unions and Employers/Trade organisations expected to register ?**

Yes, they are expected to register: it is not the nature of the organisation which is the determining factor for registration, but the nature of the activities in which the organisation is engaged.

However, law firms, public affairs consultants, certified accountants etc. giving assistance to a client for an individual case submitted to the Court of Justice or directly related to a competition case, or an access-to-document request handled by the Commission services do not fall within the scope of the Register.

A comparable situation exists when Trade Unions or employer's organisations participate in meetings in the framework of the Social Dialogue. They need not register for this purpose. On the other hand, if the same law firm, public affairs consultant, Trade Union or employer’s organisation takes initiatives outside this framework to promote a specific position in relation to European policies or existing or future legislation, it falls within the scope of interest representation as defined by the Commission and should register.

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<sup>1</sup> COM(2007)127final of 21 March 2007 and COM(2008)323 of 27 May 2008.

**4. Are small organisations, or individual lobbyists, also expected to register?**

Yes, they are. There is no minimum threshold in terms of membership, turnover, number of employees or else. The Register is built for the registration of organisations. Individuals are not expected to register unless they are individuals working as independent interest representatives.

**5. We have no office in Brussels. Should we register anyway?**

Yes, you should. The location of your office plays no role: if your activities fall in the scope of interest representation as defined by the Commission, you are invited to register.

**6. We represent a public authority (city, region etc). Are we expected to register?**

Public authorities of any level or geographical origin are not expected to register. However, should such a public entity, for reasons of its own, wish to enter the Register, they may do so.

The above-mentioned exception only applies for public entities. It doesn't apply to any organisation whose legal statute is not a public statute, even if the organisation is totally or partially composed of public authorities.

**7. Our organisation, their representatives, members or employees are already bound by a professional code so we cannot commit ourselves to the Commission's Code of Conduct. Can we register anyway?**

Being bound by other codes is not necessarily an obstacle to registration. If your organisation, its representatives, members or employees are already bound by a code, and if this code contains, in substance, the same commitments as those in the Commission's Code of Conduct, you should declare that situation. The Register's web interface offers two alternatives and you can tick the appropriate box: registrants either declare their commitment to the Commission's Code of Conduct or they declare that they already abide by a code, which has similar contents as the Commission's Code. Registrants must be prepared to submit this specific code for examination by the European Commission if invited to do so by the Commission.

**8. Are there privileges attached to registration?**

There are no privileges attached to registration. Registration does not constitute an accreditation and does not lead to access to any privileged information. This is why registered organisations should not present their registration as an accreditation or any form of official recognition by the Commission.

However, there are two practical consequences of registration:

1. Upon registration, registrants should indicate the policy areas in which they are interested. When public consultations are launched in those areas by the Commission, registered organisations will receive an e-mail alert, if they wish.
2. The Commission is committed to the publication of all the contributions received to its public consultations. Being registered will not affect the right of an organisation to table contributions to public consultations. But, as stated in the Commission's common standards for consultation, "interested parties must themselves operate in an environment that is transparent, so that the public is aware of the parties involved in the consultation processes and how they

conduct themselves. It must be apparent which interests they represent [...]."<sup>2</sup>  
For that purpose, the Commission will list the contributions from unregistered contributors as individual contributions, separately from those from registered contributors which agree to comply with these transparency requirements.

**9. Is the Commission able to guarantee that all the information published in the Register is correct?**

All factual information in the Register is provided under the sole responsibility of the registrant.

**10. Which category should I choose to declare my organisation when registering?**

The Register will offer different categories for registration. It is up to every registrant to decide to which category s/he thinks the organisation or firm belongs.

**11. How to disclose the required financial information?**

The financial disclosure requirements are adapted to the specific situation of the various categories of registrants.

Registrants of the **first category (professional consultancies and law firms involved in lobbying EU institutions)** are expected to disclose the turnover of their organisation linked to lobbying all the EU institutions, based on the latest annual accounts. This turnover should correspond to the registrant's total revenue from all clients for such activities.

Registrants will then be asked to list the clients on behalf of whom they have been lobbying EU institutions. This list, established in decreasing order of contract value, will be presented through the placing of their client in boxes representing ranges either in absolute amounts (brackets of 50 000 €) or in percentages (brackets of 10%). The choice of either approach is left to the registrants.

Registrants of the **second category ("in-house" lobbyists and trade associations)** are expected to provide an estimate of the cost associated with the direct lobbying of all the EU institutions. This estimate does not have to satisfy conventional financial reporting and accountancy requirements and therefore has no legally binding characteristics or effects.

For registrants with an office in Brussels, this estimate could start from the overall budget spent for this office (personnel costs and expenditure on materials, office lease, membership of associations etc.), from which all costs for non-lobbying activities would be deduced.

Organisations without an office in Brussels could roughly estimate the percentage of time their employees are spending on lobbying EU institutions and estimate, on this basis, the costs dedicated to these activities incl. travel to Brussels or Strasbourg etc.

Registrants of the **third and fourth categories (NGOs and think-tanks as well as other organisations)** have to publish their overall budget i.e. the total budget of the organisation. Once this amount has been entered, the main sources of its funding, such as public (European, national or sub-national) funding, donations, membership-fees, etc. have to be indicated.

In **all the categories**, registrants will always have the possibility to give more information and explanations on the figures presented. They will be able to explain how they were calculated. They will have the possibility to describe more fully what t

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<sup>2</sup> COM(2002)704 final of 11.12.2002.

activities are covered by these figures. They could refer to guidelines of their associations or organisations. Furthermore, registrants may provide more detailed financial information, if they wish to do so.

Every effort should be made to avoid double-counting of reported costs of lobbying. Such double-counting would occur if, for instance, an in-house interest representative had contracted a public affairs consultancy for a certain task, and both registrants included the cost in their disclosure. Similarly, trade associations lobbying on behalf of a group of companies might disclose amounts that were also entered by the individual companies. To avoid such double-counting, registrants are encouraged to agree with their partners and clients who reports what.

**12. Will the Commission prepare and publish statistics and analysis on the cost of lobbying the EU institutions?**

No, the Commission has no plans to produce aggregate financial statistics or analysis of the amounts disclosed. However, the Commission will provide information on the total numbers of registrants and the categories to which they belong.

**13. How often do I have to update the data of the Register?**

You should update the information rapidly if you consider there have been significant changes in any of the reporting requirements. However, the minimum requirement is to update the information once a year. Registered organisations will be warned by e-mail four weeks before this deadline. If this update has not been done, the registrant's information will no longer be publicly accessible and after a short delay, the registrant will be deleted from the base.

**14. Will the Commission publish all the data that I provide?**

Yes, any information you enter in the Register will be public. The only exception to this rule is the information on the contact person designated for the Register's operations, which will be used internally only.

**15. Will the Register be free of charge for registrants, or will they have to pay fees ?**

Registration will be free of charge.

**16. Can I subscribe to the Commission's Code of Conduct without registering?**

No.

**17. How was the Code of Conduct drafted?**

The proposed Code builds on existing earlier standards, in particular, the Minimum Requirements adopted in 1992. It takes into account the existing professional codes of conduct, such as those developed by public affairs practitioners and the European Parliament. Before adopting the Code, the Commission consulted widely.

**18. Why does the Code of Conduct only contain basic rules and principles?**

For the purpose of its concrete enforcement, the Code is deliberately limited to seven clear and specific rules. The examination of any violation of these rules will thus have to be based on factual, clear, and material elements and not on any subjective or abstract views and interpretations of concepts and principles.

**19. Who will monitor compliance with the Code of Conduct, to avoid that false information is included in the Register?**

The Commission will monitor this compliance and decide on sanctions. Controls will be carried out if there is a complaint introduced by a third party or if the Commission has grounds for believing that there is a violation of its Code of Conduct.

**20. How does the complaint procedure work and which sanctions can the Commission apply?**

Complaints made by the public or other stakeholders will be analysed individually by the Commission. The Commission will first check if the complaint is substantiated by material facts submitted by the complainant. If this is the case, and before a formal process is launched, the Commission will launch an informal process to clarify the issue with the registered entity and to invite it to clarify whether the complaint is well founded, and if it is, to conform to the rules or to correct any false or misleading information in the Register.

The Commission may start an administrative process to examine possible sanctions. This process will respect proportionality and the rights of defence.

The Commission will apply the following sanctions in case of violation of the rules of the Code:

- Temporary suspension from the Register for a set period or until correction of the situation by the registered entity. Suspension means withdrawal of all benefits of registration. The Commission will notify the offending entity and complainant of the decision.
- Exclusion from the Register in case of severe and/or persistent failure to comply with the Code. (to be assessed in a proportionate manner). The Commission will notify the offending entity and complainant of the decision. The Commission will respect proportionality and rights of defence when deciding to apply these sanctions.

**21. Is there a one-stop-shop for registration for all EU-institutions?**

The invitation to register and to accept the Code of Conduct will apply to interest representatives in their dealings with the European Commission. The Commission has invited the other institutions to examine the possibility of closer cooperation in this area. It follows with great interest the ongoing discussions in the Parliament and remains open to cooperation with the European Parliament and the Council of Ministers towards the development of a one-stop-shop registration system.