

**EUROCHAMBRES
Position Paper
2006**



**EUROCHAMBRES'
CONTRIBUTION
TO
THE EUROPEAN
TRANSPARENCY
INITIATIVE**

August 2006

I. NAME AND ADDRESS:

EUROCHAMBRES, Association of European Chambers of Commerce and Industry. AISBL.

19 AD avenue des Arts 1000 Bruxelles.

II. TYPE OF ORGANISATION, STATED OBJECTIVES AND MEMBERSHIP:

Date of creation

EUROCHAMBRES was created in 1958 as « Conférence Permanente des Chambres de Commerce et d'Industrie de la Communauté Economique Européenne ». In 1986, the association changed its denomination into "EUROCHAMBRES, Association of European Chambers of Commerce and Industry" so as to underline the Chambers involvement in promoting European integration.

Type of organisation :

International Non Profit Association established under the Belgian law.

Missions and objectives

1. To promote the European integration and to identify related actions in favour of the Chambers of Commerce, their member enterprises and their national organisations;
2. To present to the European Union institutions the needs, aspirations and opinions of EUROCHAMBRES' members in all issues touching directly or indirectly the administrative, legal, regional and economic environment of the enterprises, members of the Chamber institution;
3. To provide information on European Union policies and programmes and to help EUROCHAMBRES' members in the implementation of these policies and programmes.
4. To promote economic and trade relations between the European Union and third countries;
5. To assist EUROCHAMBRES' members in upgrading and adapting the services they provide to their member enterprises in view of the rapid changes of the economic and political environment of the European Union.

Membership

EUROCHAMBRES has member organisations in **44 countries** representing a network of 2.000 Chambers deeply rooted at local and regional level with over 19 million of member companies employing 120 million of employees.



Geographical coverage

- *European Union* : national organisations of Chambers of Commerce in the 25 Member States;
- *Candidates countries* : Bulgaria, Romania, Croatia and Turkey;
- *EFTA countries*: Iceland, Norway and Switzerland;
- *Balkan countries*: Albania, Bosnia & Herzegovina, Serbia & Montenegro, FYR of Macedonia;
- *EU neighbouring countries*: Armenia, Azerbaijan, Belarus, Georgia, Israel, Moldavia, Ukraine;
- *Russia*.

International connexion

Through bilateral co-operation agreements with national Chambers of Commerce or trans-national organisations in the rest of the world, EUROCHAMBRES has an *extended international connexion* covering:

- *Mediterranean Basin*: co-operation agreement with ASCAME regrouping Chambers of the Countries of the Basin Mediterranean (Europe and North Africa);
- *Latin America*: co-operation agreement with the Association of Iberian-Latin American Chambers;
- *Asia*: co-operation agreements with national organisations of Chambers in China, South Korea and India.

EUROCHAMBRES has also created a *Global Chamber Platform*, linking Chamber organisations all around the world, with a view to improving the capacity of each organisation to do more for its members (see attached list of the members of the Global chamber platform).

Chambers' representativeness

99,5 % of the 19 million of Chambers member companies are SMEs coming from the industry, trade and services sectors. In some countries, other sectors are also represented such as agriculture, handicrafts or retailers.

This multi-sectoral membership allows the Chambers to be ***the spokesmen of the general interest of the economy and to be above any sector-based or category-based claims or demands.***

At European level, EUROCHAMBRES has been listed since 1993 as a social partner to be consulted under article 138 of the EC Treaty.



III TRANSPARENCY AND INTEREST REPRESENTATION

- ***Do you agree that efforts should be made to bring greater transparency to lobbying?***

Chambers welcome any proposal aiming to increase the knowledge and confidence of the EU citizens in the functioning of the institutions in general and the efficiency of the consultation process in particular. Chambers consider that a proper consultation of all the relevant stakeholders in the decision making process is a key element to ensure that EU legislation is proportional and focused to their needs.

EUROCHAMBRES has the following comments regarding this transparency initiative in general:

- It should be extended to all EU institutions (European Parliament, Economic and Social Committee, Committee of the Regions);
- It should not be limited to consultation process but extended to the creation and composition of advisory groups, nominations of experts and hearings;
- It should not lead to additional administrative burden and costs for the concerned lobby organisations;
- It deals with only one side of the consultation process: rules and codes of conduct that lobby organisations will have to follow. It is also important, to guarantee the efficiency of the consultation, that EU institutions better communicate the results obtained. For the time being, the Commission just makes available the contributions received but no information is provided on which contributions and for what reasons will be taken into account in the Commission's final proposal;
- All the stakeholders, including trade unions, should be included in this transparency initiative. In the definition of "Lobbyists", trade unions are not listed. The paper specifies "Lobbyists" are defined as persons carrying out such activities (lobbying) working in a variety of organisations such as public affairs consultancies, law firms, NGO's, think tanks, corporate lobby units (in house representatives") or trade associations.

- ***Do you agree that lobbyists who wish to be automatically alerted to consultations by the EU institutions should register and provide information, including on their objectives, financial situation and on the interests they represent? Do you agree that this information should be available to the general public? Who do you think should manage the register?***

- In view of the wide range of topics that lobby organisations have to deal with, the automatic alert system would be a most useful tool in their daily work and we agree that those willing to benefit from such a tool should register in a data base;
- Indeed, to obtain the accreditation and registration in a data base, interest groups should provide information on their objectives, interests, financial situation. This



information is already included in CONECCS database available to the general public;

- A great number of these lobbyists or interests groups are already accredited in the European Parliament which has developed its own accreditation system and code of conduct. In order to avoid additional bureaucracy, EU institutions should share the same data base and use the same code of conduct;
- Each accredited and registered organisation should have the authorization to update its own data.

• Do you agree to consolidating the existing codes of conduct with a set of common minimum requirements? Who do you think should write the code?

As already mentioned, EUROCHAMBRES believes that EU institutions should share the same data base and code of conduct. To our opinion, the EP code of conduct lists the common minimum requirements. This code could be common to all EU institutions. However, if a decision to elaborate a consolidated code of conduct is reached, EUROCHAMBRES would welcome a broad approach involving all the relevant organisations.

• Do you agree that a new, inclusive external watchdog is needed to monitor compliance and that sanctions should be applied for any breach of the code?

For the time being, there is no need to set up a new inclusive external watchdog as

- Lobbyist organisations have to respect their own code of conduct and the EP code of conduct if it is to decide that it will be common to all EU institutions;
- EU Civil servants have also to respect their own internal rules;
- Previous experience demonstrated that any break of these rules have been settled in a satisfactory way.

IV. FEEDBACK ON APPLICATION OF THE MINIMUM STANDARDS FOR CONSULTATION

• In your view, has the Commission applied the general principles and minimum standards for consultation in a satisfactory manner? You may refer to the individual standards

EUROCHAMBRES welcomed the Commission's will to set up general principles and minimum standards for consultation and the distinction between open and focused consultations. These are key elements towards better European Governance. However, in practice, the Commission has not clarified which parties are to be consulted in which procedure and how will the results of the two procedures be weighted and how will the representativity of the different organisations will be taken into account.



Specific comments on the application of minimum standards

A. Clear content of the consultation process: “All communications relating to consultation should be clear and concise, and should include all necessary information to facilitate responses.”

- To ease the consultation process, questionnaires should be available in as many languages as possible and in at least the three working languages English, French and German. It is not acceptable that the European Commission publishes papers only in one language, e.g. the DG Competition discussion paper on the application of Article 82 of the Treaty to exclusionary abuses;
- Consultations should be drafted in a neutral manner and should not influence the reply e. g. questions contained in the Green Paper on damages actions for breach of the EC antitrust rules or the consultation on Mid term review of the Sixth Environment Action program;
- The Commission should verify that consultations via internet are really operational e.g. Green paper on demographic change. In addition “Yes” and “No” are often the only options and there is no space for alternative responses. In other cases the given responses do not reflect the variety of possible opinions but are instead perceived to be one-sided, e.g. in the Green Paper on damages actions for breach of the EC antitrust rules.

B Consultation target groups: “When defining the target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinion

- Targets group are not well defined. The Commission has listed more than 15 different target groups e.g. “stakeholders”, “all interested parties”, “enterprises”, “economic operators”, “public”, “citizens”, “economic operators”, “business organisations”;
- Direct dialogue with businesses should be established through their representative organisations. Direct consultation of enterprises via Internet or via SMEs panels that are carried out through the EICs, bears the danger of a distorted enterprise opinion and holds the risks of getting a non representative range of opinions. SMEs tend to concentrate their resources on their daily business and they do not have the free capacity and time for filling out complex questionnaires. To guarantee a representative and comprehensive consultation, business organisations, such as Chambers of Commerce with direct links to enterprises, should be consulted, at least, on a complementary basis.

C. Publication "The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, open public



consultations should be published on the internet and announced at the “single access point.”

Chambers Organizations and other Business associations should be automatically informed by e-mail about relevant consultations issues regarding SMES' environment. The CONECCS database is of importance in this context.

D. Time limits for participation “The Commission should provide sufficient time for planning and responses to invitations written contributions. The Commission should strive to allow at least 8 weeks for reception responses to written public consultations and 20 working days notice for meetings.”

This topic touches upon the dilemma between speedy process and inclusive consultations. Hence, 8 weeks is an acceptable minimum to respond to consultations. Nevertheless, especially during the summer break, a longer period of time should be considered. In the past it even occurred that consultations were published end of July with less than 8 weeks of time to respond.

In the process of nominating experts, sufficient time should be provided to respond to a European Commission's request.

E. Acknowledgement and feedback “Receipt of contributions should be acknowledged. Results of open public consultation should be displayed on websites linked to the single access point on the internet. Contributions to open public consultations will be made public on the single access point. Results of other forms of consultation should, as far as possible, also be subject to public scrutiny on the single access point on the Internet. The Commission will provide adequate feedback to responding parties and to the public at large.”

Criteria regarding the acknowledgement of contributions and their publication are generally well fulfilled. However regarding the results of the open consultations and the feedback that the Commission should provide to responding parties, EUROCHAMBRES has the following comments:

- For Internet questionnaires using the method of questions with multiple answers, the Commission just publishes the raw results , no analysis of the replies is available ;
- For other forms of consultation, as already mentioned it is important to know how the Commission will weight the representativity of the different organisations and which contributions will be taken into account in the Commission's final proposal.

Finally, EUROCHAMBRES believes that increased transparency should be applied on nominations of experts and on the composition of the advisory /high level working groups. All the relevant business organisations should be represented in these groups to guarantee that the interests of all the stakeholders, and not only a part of them, are taken into account e.g.: the High level working group on the service directive or High level working group on Energy.



V. DISCLOSURE OF BENEFICIARIES OF COMMUNITY FUNDS

- ***Do you agree that it is desirable to introduce, at Community level, an obligation for Member States to make available information on beneficiaries of EU funds under shared management?***

EUROCHAMBRES believes that EU citizens must be more aware of the EU financial involvement at national regional and local level. Beneficiaries of the EU funds under shared management should be informed about the origin of the funds and more attention should be drawn to enforcing existing obligations to publish information about the assignment of financial means obtained from Structural and Cohesion Funds. However to introduce the obligation to make available the list of beneficiaries of EU funds, will lead to a significant increase of administrative work in view of the enormous number of beneficiaries. Consequently, it should be left to the Member States to decide whether they want to make available such information to the public or not.

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GLOBAL CHAMBER PLATFORM

LIST OF MEMBERS

Association of ACP National Chamber of Commerce, Industry and other Economic Operators

Ibero-American Association of Chambers of Commerce (AICO)

Asociacion Industrial Latino-Americana (AILA)-

Association of Mediterranean CCIs (ASCAME)

Confederation of Asia-Pacific Chambers of Commerce and Industry (CACCI)

Caribbean Association of Industry and Commerce (CAIC)

China Chamber of International Commerce/China Council for Promotion of International Trade (CCOIC/CCPIT)

EUROCHAMBRES, Association of European Chambers of Commerce and Industry

Federation of Gulf Chambers of Commerce

Federation of Indian Chambers of Commerce and Industry (FICCI)

Iran Chamber of Commerce, Industries and Mines

Junior Chamber International (JCI)

Chambers of Commerce and Industry of the Russian Federation

SAARC Chamber of Commerce and Industry

