

European Community Shipowners' Associations



D. 2693/06
SF 2.240

Green Paper on European Transparency Initiative

ECSA initial remarks

The European Community Shipowners' Associations – ECSA – is the trade association representing the national shipowners' associations of the EU 25 and Norway. The main aim of ECSA is to promote the interests of European shipping so that the industry can best serve European and international trade and commerce in a competitive free enterprise environment to the benefit of shippers and consumers. In addition, ECSA is, as member of the Sectoral Dialogue Committee on maritime transport, a recognized social partner to the European Commission. Further details on ECSA can be found on its website: www.ecsa.be.

ECSA welcomes the opportunity to comment on the Green Paper on a European Transparency Initiative. ECSA appreciates this important initiative being taken by the Commission with an aim at identifying and stimulating a debate on areas for improvement in the field of lobbying.

The initial remarks from ECSA to the questions as brought forward in the Green Paper are as follows:

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

ECSA welcomes an initiative aiming at creating or improving transparency in EU lobbying and appreciates that the Commission seems to recognize the added value of lobbying the EU Institutions and influencing their policy formulation and decision-making processes.

Lobbying is indeed a legitimate part of democracy since it gives an opportunity to civil society to have a say on issues that affect the daily life of EU citizens and enterprises. It also ensures that legislation, in particular sector-specific legislation, can establish the right balance between political considerations and socio-economic interests.

Whilst lobbying is essential in the EU decision-making process, ECSA is of the opinion that the terms "lobbying" and "lobbyists" need to be carefully defined taking into account the specific nature and significant differences that exist amongst the different players in the lobbying activity. In this respect, ECSA feels that the definition of the terms "lobbying" and "lobbyists", as mentioned on page 5 of the Green Paper, is very broad and does not reflect the difference between e.g. commercial lobbyists, law firms, in-house representatives or trade associations.

Commercial lobbyists, consultants and law firms are profit-making commercial enterprises paid for lobbying without being direct stakeholders.

Trade associations, such as ECSA, on the contrary, are merely non-profit making organizations which have been established to provide technical expertise in the decision-making process and evidently also to defend the interests of a group of companies operating in the same economic field (e.g. shipping companies) and/or national non-profit making associations (e.g. national shipowners' associations). Such associations generally work on the basis of an internal consensus amongst the membership and they receive a fixed annual budget to cover their working costs as association. Hence, they are often being referred to as "stakeholders".

Many trade associations also have the status of "recognized social partner" to the EU Institutions, and are – in this capacity – contributing to the decision-making process itself.

This differentiation could be important in assessing the ethical and professional functioning and behaviour of the relevant players in the field of lobbying.

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?

Should the European Commission decide to create such register, it should be on a voluntary basis and not discriminatory. The register should be neutral, efficient and professional and it should not result in unnecessary bureaucratic burdens for those who register.

In the context of registration the following must at the same time be taken into consideration:

- Firstly, such a registration must include everyone trying to influence the EU system. It means that NGO's and grass root movements, consultancy and PR offices also must be registered when they try to lobby for instance members of the European Parliament.
- Secondly, transparency in itself must not be limiting. Therefore registration must not lead to making it more difficult for the individual citizen or our colleagues in Copenhagen or Paris to talk with civil servants and politicians in e.g. the Commission or European Parliament about cases that affect the person concerned or our members.

However, registration should have some clear benefits, such as recognizing the enterprise or association towards all EU Institutions, granting easy access to all EU institutions so as to avoid an annual renewal of access permits to the European Parliament, etc.

A register providing information on objectives, structures, financial situation and on the interests represented could be an important tool to enhance transparency of EU

lobbying and a tool in assessing the ethical and professional functioning and behaviour of the interested enterprise/association and/or the representative character of such enterprise/association.

The information included in the register should be available to the general public, as it is the case already today with trade associations or organizations that are managed in a professional and ethical way.

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?

ECSA believes that a code of conduct could be a good idea provided that it enshrines the ethical values of professional interest representation that should be the standard for all parties involved.

To avoid difficulties or cumbersome bureaucracy, one code of conduct – whether it is newly created or a consolidation of existing codes – would be the preferred way forward. However, it is important that all interested parties have the opportunity to participate in the drafting or consolidation of such code, directly or via consultation a posteriori.

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?

Wrongdoers should be singled out. What exactly constitutes a wrongdoer, however, will be very difficult to define and will depend on the content of the code of conduct.

In addition, many different cultures of lobbying exist throughout Europe, where wrongdoing in one country does not necessarily constitute a breach in another.

Sanctions should only be the ultimate recourse but in case of a serious breach of the code of conduct, a watchdog should have the power to act. An (existing) official authority could act as watchdog.