



Questions & Answers: Agreement on a Mandatory Transparency Register

Brussels, 15 December 2020

The Commission made its proposal for an Interinstitutional Agreement (IIA) on a mandatory Transparency Register in 2016, aiming to establish an equivalent regime of transparency in interest representation in the three major EU institutions. The negotiations were launched in April 2018.

President **von der Leyen** had tasked Vice-President **Jourová** to lead the negotiations on behalf of the Commission.

The joint [Transparency Register](#), in place already since 2011 and covering until now only the European Commission and the European Parliament, is a significant component of the [Commission's transparency policy](#). It is a database listing organisations that try to influence the law-making and policy implementation process of the EU institutions. The Register makes visible what interests are being pursued, by whom and with what budgets, therefore allowing for public scrutiny, giving citizens, transparency stakeholders and other interest groups the possibility to track the activities of lobbyists.

On 15 December 2020, Parliament, Council and Commission reached a final political agreement. The official signature of the agreement and entry into force are foreseen for the spring of 2021, following formal adoption by the three institutions.

What does the new Transparency Register mean in practice?

The Transparency Register under the new Interinstitutional Agreement is a reinforced tool. For the first time the Council of the EU is also covered by the agreement. The Transparency Register helps foster a common transparency culture on interest representation in the three major EU institutions, and it is open to the voluntary involvement of other Union institutions, bodies, offices and agencies and of the Member States' permanent representations to the Union, thereby increasing the potential for greater transparency of the decision-making at the Union level.

The new Transparency Register will be managed by a Secretariat, in which the three institutions will participate on equal footing. It will be overseen by a Management Board, consisting of the Secretaries-Generals of the three institutions. The three institutions will co-finance the scheme ensuring the necessary resources, thereby strengthening the operation and capabilities of the Register.

In practice, the Transparency Register makes it *de facto* mandatory for interest representatives to register if they want to engage in activities, such as meetings with key decision makers, organisation of events and participation in hearings and briefings, as well as access to the institutions' premises. Please see below for information on the relevant rules applicable in the three institutions.

What are the transparency rules for each of the three institutions?

The three institutions will include a list of transparency measures in their joint political statement to be adopted together with the Interinstitutional Agreement (IIA).

More generally, the three institutions already apply a number of different transparency measures, with the Commission applying some of the strictest transparency standards. The European Parliament and the Council apply transparency rules tailored to the different nature and specificities of the two institutions.

The European Commission

The Commission's policy is that Members of the College and those directly responsible for advising them (Cabinet members, Directors-General and Heads of Service) must meet only interest representatives that feature on the Transparency Register. Information about such meetings is published proactively on the Europa website.

The European Parliament

Since the start of the negotiations in 2014, the European Parliament has taken a number of transparency measures. The European Parliament applies the conditionality principle to a number of activities that affect relations with interest representatives, such as access to its premises, speaking at public hearings held by parliamentary committees or participating in the work of intergroups or other unofficial grouping activities organised on the Parliament's premises. Under its Rules of Procedure, the Parliament urges Member of Parliament (MEPs) to systematically meet only registered interest representatives and to publish online all scheduled meetings with interest representatives falling under the scope of the Register. This recommendation to MEPs applies to all types of legislative and non-legislative activities, including own-initiative reports. The online publication of all scheduled meetings with interest representatives falling under the scope of the Transparency Register is an obligation for rapporteurs, shadow rapporteurs and committee chairs in respect of each report.

The Council of the EU

When joining the Interinstitutional Agreement (IIA), the Council will adopt a **Council Decision** on conditionality measures it will apply, including on access to its premises, participation in thematic briefings and meetings of interest representatives with the Secretary-General and Directors General of the General Secretariat of the Council. The Council has also confirmed the simultaneous adoption of a **political declaration by a number of Member States** on the application of the conditionality principle to their permanent representations when exercising the Presidency of the Council of the EU and the six months preceding it. This political declaration will be published on the Register's website at the same time as the Interinstitutional Agreement (IIA) and will be updated as necessary to ensure for the public scrutiny of any related developments. The last five EU Presidencies have already applied the rule of meeting only representatives listed on the Transparency Register and published details of these meetings on the website of the Permanent Representations to the EU.

Who will be bound by the new rules?

The interinstitutional agreement is of binding nature for the signatory institutions. The agreement does not bind third parties, who remain free to decide to enrol to the Register on a voluntary basis and at their discretion. Interest representatives however are required to respect the ethical norms prescribed in the code of conduct (annexed to the IIA) in order to be eligible to register or remain in the Register.

What are the novelties in the agreement?

The agreement introduces several improvements and novelties. Among others, it ensures:

- A workable definition of lobbying and a broadened and clearer scope of coverage to include, for instance, activities carried out on behalf of third country governments or by associations of public authorities and their networks when representing private interests.
- An efficient two-layer management structure consisting of a reinforced Secretariat, in which the three institutions participate on equal footing, and a Management Board consisting of the Secretaries-General of the three institutions.
- The necessary resources for the functioning of the Register with co-financing by the three institutions.
- Expanding the concept of conditionality to a wider transparency concept encompassing measures which are not, strictly speaking, conditionality measures, such as the online publication of meetings or access to institutions' premises.
- A dynamic process subject to annual reporting and review with the possibility of making recommendations at the institutions' political level for further improvement.
- A much needed simplification of the rules and the related administrative procedures carried out by the Secretariat with due regard to the rights of applicants and registrants.

When will the new rules start applying?

The official signature of the Interinstitutional Agreement (IIA) and entry into force are foreseen for the spring of 2021, following the adoption of the agreement by the three institutions. The Interinstitutional Agreement (IIA) will enter into force 20 days after publication in the Official Journal.

The Council shall adopt its Decision establishing conditionality measures in the Council at the same time it adopts the Interinstitutional Agreement (IIA).

For more information

Press release: [Agreement on a Mandatory Transparency Register](#)

The Commission's transparency policy: https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/transparency_en

The Transparency Register: <https://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en>

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