

COMMUNICATION

**from the European Affairs Committee of the Federal Council
to the European Parliament, the Council and the European Commission**

pursuant to Article 23 f (4) of the Austrian Constitutional Law

31 May 2016

Public Consultation on a proposal for a mandatory Transparency Register

The Transparency Register is to provide an insight into lobbying activities with EU bodies and covers all activities seeking to indirectly or directly influence the design or implementation of political measures or decision-making processes by EU bodies, regardless of where such lobbying activities take place and which communication channels or methods are used. Currently, entries in the Transparency Register are made on a voluntary basis. The Communication has launched a consultation on the introduction of a mandatory EU lobbying register. The consultation not only raises the question of whether or not a mandatory regime is to be introduced, but also invites opinions on possible improvements of the current regime.

The new system is to go beyond the existing regime in that it will be mandatory and also cover the Council of the European Union. Within the framework of the envisaged modifications of the Transparency Register, tendencies have been observed to extend the scope of the regime to regional authorities and their representatives, thus including the regional parliaments (provincial diets). At present, municipal authorities and administrative bodies are required to be included in the Transparency register; regional authorities and representative bodies are free to do so as well, but are under no obligation for the time being. In the opinion of the European Affairs Committee of the Federal Council, this distinction between the regional and the sub-regional level appears to be rather arbitrary, considering the differences in size between Member States and their Länder/provinces (e.g. Germany vs. Austria).

The provincial diets, the provincial governments and the municipalities are democratically legitimized components of the Republic of Austria by virtue of the Constitution, as well as stakeholders in the European law-making process of the European Union. If the transparency regime were to be extended, as foreseen, they would be treated in the same way as lobbying institutions that are not part of the law-making system.

However, the Federal Council objects to “regional authorities” (provincial diet and/or provincial government) and local authorities (associations of local authorities) to be treated in the same manner as classic bodies representing organized interests and lobbying institutions, and therefore takes a firm stance against an obligation for them to register at European level. Against this background, the Federal Council demands that democratically legitimized, constitutional bodies of provinces and municipalities, as integral parts of the law-making process of the EU, remain exempted from the scope of the Transparency Register of European institutions.

Transparency in law-making is a high priority for the Federal Council. The Federal Council therefore appreciates and supports the fundamental effort to record and control the activities of organized interests and lobbying institutions at European level and is in favour of a binding system of regular and systematic controls.