



EUROPEAN COMMISSION

*Brussels, 20.3.2015
C(2015) 1986 final*

*Mr Volker BOUFFIER
President of the Bundesrat
Leipziger Straße 3 - 4
D – 10117 BERLIN*

Dear President,

The Commission would like to thank the Bundesrat for its Resolution concerning the Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation¹ (Transparency Register).

The Commission fully recognises the Länder, regional and local authorities as partners of the EU Institutions and recognises their political and democratic mandate. It welcomes their input in European policy and legislation in all areas having an impact on the sub-national level of government. The Commission has taken note of the particular concerns raised by the Bundesrat as regards the status of regional and local authorities in the Transparency Register, and would like to offer the following clarifications.

Since its establishment in June 2011, the joint Transparency Register represents an important tool in the creation of a sound framework for the European Parliament's and the Commission's relations with interest representatives. The Register helps to shed light on who is seeking to influence the EU institutions, on behalf of whom, on which issues and with what level of financial resources. It is important to stress in this context that the system has been operating on a purely voluntary basis. Moreover, registration is not an onerous process and more than 7,000 entities have already chosen to register.

At the outset, the Commission would like to refer to paragraph 13 of the former Interinstitutional Agreement on the Transparency Register from 2011² which provided:

"13. Local, regional and municipal authorities are not concerned by the register. However, the representative offices or legal entities, offices and networks created to represent them in

¹ OJ L 277 of 19.9.2014, p. 11.

² OJ L 191 of 22.7.2011, p. 29.

their dealings with the EU institutions, as well as their associations, are expected to register."

Hence, within the voluntary scheme, the expectation to register, when acting collectively and setting up representative structures (in Brussels) has, as a matter of fact, always featured in the Interinstitutional Agreement.

Furthermore, some 150 organisations are already registered in the Transparency Register under the sub-section 'Local, regional and municipal authorities (at sub-national level)', which would clearly indicate an interest from such entities in general in having the possibility to register.

The new Commission has recently put in place additional transparency measures going beyond the framework of the existing Interinstitutional Agreement although without revising it at this stage. On 25 November 2014 the Commission adopted two decisions on the publication of information on meetings held between Commissioners and Directors-General and organisations or self-employed individuals³. These decisions further reinforce the Commission's efforts to aim at the highest transparency standards for public administrations.

The Commission's decisions clearly stipulate that national, regional and local authorities of the Member States are exempt from their scope. For sub-national authorities, prior registration in the Transparency Register is therefore not a pre-requisite for meetings with Commissioners, Cabinets and Directors-General. On the other hand, President Juncker's transparency policy foresees that associations of sub-national authorities, created to represent regions or other sub-national public authorities collectively (in Brussels), are subject to the requirement of prior registration. These associations do have the capacity to exert influence on the EU decision-making process and as such it is appropriate that they are covered. They do not enjoy the same legal recognition in the legal order of Member States and hence cannot, as a group, be assimilated to governmental structures.

The Commission does not see any negative reputational issues related to regional or local authorities joining the Register. There can be no question of 'placing regional and local authorities on the same footing as lobby groups from business and civil society'. The scope of the Register is very wide, each registrant is different and the Commission recognises this individual specificity which is reflected in the six different sections of the Register. In the Commission's view, joining the Register is a testament to one's commitment to transparency and openness in its relations with the EU Institutions.

Furthermore, registration in the Transparency Register is without prejudice to the provisions of Article 4(2) TEU protecting regional and local self-government as an element of national identity.

The Commission would also like to assure the Bundesrat that there are no negative practical consequences of the Interinstitutional Agreement in relation to the participation of regional

³ C(2014) 9048 and C(2014) 9051.

and local authorities in public consultations, access to the premises of the EU Institutions or contacts with EU officials.

As the Bundesrat might be aware, the Commission plans to submit in 2015 a proposal for an Interinstitutional Agreement on a mandatory Transparency Register covering the Commission, the European Parliament and the Council. This initiative will offer a fresh opportunity to tackle any outstanding questions and any possible remaining shortcomings, including in relation to the provisions concerning the status of regional and local authorities in the Register. The Commission will certainly keep the views expressed by the Bundesrat in mind in this context.

The Commission hopes that these clarifications are helpful and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*