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News | 06.12.2017

EU Member States agree that Council should join the EU Transparency Register

Lobbying Transparency

We have to give credit to the Estonian Presidency of the Council of the European Union for their success in reaching an agreement between all 28 EU Member States that would shed a slither of light into the lobbying that surrounds the Council of the European Union. This was by no means an easy task. The Council's decision-making process is arguably the least transparent when compared to the Commission and the Parliament, and some Member States appear keen to keep it that way.

As part of a small but valiant group of pro-transparency countries involving Estonia, Finland, Sweden and the Netherlands, the Estonians finally succeeded in producing, and swiftly publishing, the Council's position on the new EU Transparency Register. It took over a year of debating (the Commission published its proposal on Right to Know Day 2016) but now it means that the real negotiations between the European Commission, Parliament and Council to finally put in place a strengthened lobby transparency system can begin.

Analysing the Council's position we see that, despite this breakthrough, there is not much in the way of content. In fact, **the Commission's proposal was more ambitious than the Council is being now.**

The Commission's wanted to cover current and upcoming Presidencies under the Transparency Register rules, as well as the deputies in the 'Committee of the Permanent Representatives of the Governments of the Member States to the European Union' or COREPER, and also the Council's Secretary General and Directors General. The original proposal was that all of these people would only meet with lobbyists who are registered in the Transparency Register, in order to make the register as "mandatory" as possible.

The Council, on the other hand, only wants to include its Secretary General and Directors General. This dramatically reduces the scope, and therefore the utility, of the future Transparency Register.

To compensate, however, the Council offers "thematic briefings" only for registered lobbyists. In an attempt to make the register more "mandatory", they propose that access to these thematic briefings would only be given to lobbyists who register. They also propose that lobbyists would only be invited as speakers in public events organised by the General Secretariat of the Council if they are registered. However, it is unclear at this point whether this will cover most public meetings or rather hardly any at all.

Finally, the Council proposes to create temporary access badges for lobbyists. This is a new measure that might make signing up to the Transparency Register more attractive to interest representatives, but it is unclear at this point what the effects would be in practice.

What about the Member States themselves?

The Council's version of the IIA (see Article 13) only mentions that Member States should be encouraged to make certain interactions (of their Permanent Representative or Deputy Permanent Representative) with interest groups conditional upon registration **when holding the Presidency of the Council**. It is therefore much less ambitious than both the Commission's proposal and also the position adopted by the European Parliament.

The Parliament's mandate calls for upcoming and future Presidencies to at least be covered by lobbying transparency rules. And a Parliament resolution on "Transparency, accountability and integrity in the EU institutions" penned by Sven Giegold also called for the Council and its preparatory bodies to join the Transparency Register as soon as possible, and for the Council to ensure that the Permanent Representations of the Member States only meet with registered lobbyists.

What next?

There should be a political meeting between the three institutions during the week of 11th December and then the negotiations will begin in earnest. Apparently there will be regular updates and summaries of meetings following each tri-partite discussion.

Read more:

- Here is our reaction to the Commission's proposal from September 2016: https://www.greens-efa.eu/en/article/transparency-register/

- Here is our reaction to the Parliament's (disappointing) mandate: https://www.greens-efa.eu/en/article/press/la-transparence-na-pas-la-cote-aupres-des-deputes/

- Here is a detailed briefing on the Giegold report: http://www.sven-giegold.de/2017/european-parliament-calls-for-major-steps-towards-greater-transparency-and-integrity-in-the-eu/

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