

Have the Transparency Register and other efforts for better control of lobbying in the EU institutions brought the results we need?

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“Lobbying, Corruption and Lack of Transparency in the EU: The Dark Side of Democracy?”

European Parliament, Brussels

Why regulate EU lobbying?

- **Trust in the EU institutions is low:** confidence needs to be restored
 - **70%** of EU citizens think corruption exists in the institutions
 - **52%** don't think they help in reducing corruption in Europe

(Source: Eurobarometer)
- Despite progress, much **EU law-making remains shrouded in secrecy**
- **Recent scandals** show vulnerability of EU to unethical lobbying
- Concentration of decision-makers and lobbyists in '**Brussels bubble**'
- **Regulation needed to:**
 - Ensure level playing field for **diversity of views** to be heard
 - Ensure EU decision-making is done in the **public interest**
 - Prevent **conflicts of interest and abuse of office**

Assessing the current situation

- Report on *The EU Integrity System (EUIS)* to be launched this month
- First study of its kind into how well the institutions
 - Deal with internal corruption risks
 - Foster public sector integrity
 - Contribute to the fight against corruption in Europe
- **Rules and practice at ten institutions** and bodies **assessed**
 - independence; accountability; transparency; integrity
- Key findings and **recommendations** address **lobby transparency, ethics, and conflicts of interest** as major issues of concern

The Transparency Register

- Joint EP-Commission **Transparency Register introduced in 2011**
 - Evolution from COM-only voluntary register launched 2008
 - Council has been an observer to the process since Sep 2012
- **Main tool to regulate EU lobbying** in absence of mandatory rules
- Covers **self-employed lobbyists and organisations**
- **Excludes** religious communities BUT NOT organisations representing them; political parties
- Specific provisions on **public authorities**
- Registrants **must declare** activities, finances related to lobbying, clients, sources of funding inc. any EU funding
- Includes a **code of conduct** and sanctions (inc. removal from register) and complaint procedure
- **INCENTIVE:** Long term EP access badge only available to registrants

How has it been working?

- Definite **improvement on visibility** surrounding EU lobbying
- **Steady but stagnated growth**: currently 6500 registrants
 - ~4000 in-house lobbyists/professional/trade assocs
 - ~1700 NGOs
 - Est. 75% of businesses, 60% NGOs *(Source: Greenwood, Dreger (2013))*
- **Quality of information questioned but improving**
 - ALTER-EU highlighted errors and missing companies in 2012
 - In 2013, almost 70% of registrations checked didn't meet rules
 - 40% of these cases removed from register and lost right to EP badge (though no public mention on TR)
 - Academic study in 2013 saw improving quality
- System of **quality checks** reported to be improving
- **Large law firms not signing up** - hiding behind 'client confidentiality'

Review and reform

- Review held in 2013, **draft of new IIA agreed** (EP vote on 15 April)
- **Register still not mandatory despite repeated EP calls**
 - **COM asked to make legislative proposal by end 2016**
- **Progress towards ‘de facto mandatory’ register but weak/vague**
 - **Incentives** to register mark good progress, but COM has not committed in detail
- **‘Inappropriate behaviour’** to include funding of MEPs offices/staff
- Improvements to **transparency of lobby activities**
- Some improvements to rules on **financial disclosures**

BUT...

- **Issue of law firms** boycotting register **not resolved**
- **Council still not signed** up to register and Perm Reps explicitly exc.
- **Legislative footprint** not considered in final agreement
- Result: review **lacked ambition**
- Next review: 2017

Regulating the revolving door (I)

- **Rules in place** to regulate the revolving door at the EU level, but vary greatly and **problems persist with implementation**

EU civil servants

- **Tougher rules** than for political/senior figures; **broadening** in scope
 - 2 year period when former staff must inform institution of potential future employment and can be forbidden
 - 1 year 'cooling off' period for senior staff (from 2014)

BUT...

- **Problems with monitoring** and enforcement
- **Different rules for different staff**: gaps in coverage
- **Recent cases** have raised civil society concerns on application
- EU Ombudsman has called for independent body

Regulating the revolving door (II)

Senior EU figures

- **Inconsistent rules** across institutions
 - Post-employment obligations apply for different periods and vary in scope or are non-existent e.g. ‘cooling-off’ periods:
 - Judges – 3 years
 - Commissioners – 18 months
 - MEPS – N/A
 - No EU-level rules for national representatives e.g. in Council
- **Lack of independent monitoring** and assessment undermining how vigilantly the issue is being addressed
- **Deficient integrity checks before appointment**, and weaknesses in tools to prevent conflicts of interest while in office

Additional issues

- **No EU-level integrity rules covering member state representatives**
 - Key target for lobbyists due to law-making role
- EU law and policy-makers **do not need to record/disclose their contact with lobbyists** or any input received for legislative processes
- Key parts of EU **law-making still not transparent**
 - **esp. informal ‘trilogue’ negotiations** between European Parliament, Council of Ministers, and Commission

Some recommendations

- **Make the EU Transparency Register mandatory**
 - Extend to Council/member state permanent representations
 - Implement incentives and exercise sanctions
- **Introduce a ‘legislative footprint’** mechanism at EU level
- **Improve conflict of interest regimes** for MEPs and senior EU figures in line with OECD guidelines and UNCAC
 - incl. strict and consistent rules on **revolving door restrictions and contact with lobbyists &** improved **selection procedures**
- Introduce **independent ethics bodies** at each institution, with genuine powers esp. on post-employment obligations
- **Improve transparency** of key parts of EU law-making process
 - E.g. informal ‘trilogue’ negotiations between institutions