

Position Paper

UEAPME¹ position on the Public Consultation on a proposal for a mandatory Transparency Register.

Introduction

The European Commission has launched a consultation “to seek the views of all interested parties on the performance of the current Transparency register for organisations and self-employed individuals in EU-policy making and policy implementation and on its future evolution towards a mandatory scheme covering the European Parliament, the Council of the EU and the European Commission.

UEAPME once again regrets that the only consultation is done through a compulsory questionnaire which obliges respondents to give answers which do not allow for an appropriately nuanced reaction to some questions. The fact that interested parties cannot decide themselves on the replies or the input they want to give is definitely not in line with what good consultation should be and certainly in contradiction with transparency principles. This position paper is the only way UEAPME will reply to the consultation and it will be send to the Units in charge of the file.

Evaluation of the Transparency Register

The questionnaire is divided in two parts: a general part and a specific part. According to the consultation document “answering the questions in this [the general] part [of the questionnaire] does not require previous knowledge of the Transparency Register.”

One can certainly question the relevance and added value of contributions from individuals and organisations which do not have any knowledge of the Transparency Register “on the performance of the current Register and on its future evolution towards a mandatory scheme”.

Even more, it is shocking to see that questions 1.2, (“Do you consider the Transparency Register a useful tool for regulating lobbying?”); 2.1 (“Activities covered by the Register”) and 3.1 (“What is your impression of the Register website?”) of the General Part are questions concerning the Register and accordingly need knowledge about it. Consequently the replies to these questions should not be taken into consideration in the evaluation of the consultation.

In UEAPME’s opinion the goals of this consultation is also not very clear. It seems that it is about the performance of the Transparency Register but the question is what kind of performance. In the consultation document there is only the reference that the Register is “a tool to cast light on lobbying activities seeking to influence European policy-making”. However, no definition of “lobbying activities” is given.

¹ UEAPME subscribes to the European Commission’s Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is 55820581197-35.

The consultation document fails to deal with transparency in its globality. Indeed, true transparency, is in UEAPME's view, also transparency from the EU Institutions' side regarding the basis upon decisions are taken.

It is every citizen's right to know in general how and why decisions are taken. The Institutions should give feedback after consultation about the changes made in policy decisions and / or the reasons why the arguments presented by the different stakeholders were or were not taken into account and which reasons /arguments have led to the taking of a decision.

For achieving a sound framework for relations with interest representatives it is of utmost importance to take into account the representativeness of the interest groups and/or individuals and to establish clear criteria to give a weight to the different contributions, including for the evaluation of consultations.

The consultation documents states rightly that the Transparency Register provides information to politicians and public officials about those who approach them. However, it also states that *"the Register also allows for public scrutiny; giving citizens and other interest groups the possibility to track the activities and potential influence of lobbyist"*.

UEAPME has to contest this view: only the decision makers and public officials can indicate the actual influence of lobbyists. Any regulation on lobbying should consequently deal with this aspect.

The consultation document addresses activities such as lobbying, interest representation and advocacy interchangeably. However these terms are nowhere defined and no clear distinction is drawn between what can be very different fields of activity. The general definition in question 2.1 of those 3 activities *"all activities carried out to influence – directly or indirectly – policymaking, policy implementation and decision-making in the European parliament and the European Commission"* is exactly the same as the Green Paper (2006) gave on "lobbying".

In our opinion a clear difference should be made between lobbying, which is mainly defending individual interests and "interest representation" which is about the interests of a whole group or stakeholder.

In addition, it should be mentioned that "lobbying" can also include:

- seeking to improve EU institutions,
- understanding what individuals, organisations, governments, trade associations etc. stand for and what they do,
- putting understanding and dialogue at the heart of the democratic process.

While the definition given covers non-professional "lobbying", the Register actually fails to take it into account. UEAPME wants also to stress that European social partners should not be treated in exactly the same fashion as "normal" lobbyists. Indeed, the European social partners have a specific role and statute, recognized by the Treaty.

In our opinion the Register should also fully apply to churches and religious communities. If *"Legal bodies, offices, networks or associations set up for representation activities of churches and religious communities"* have to register, then also churches and religious communities as such when they lobby.

On the Structure of the Register we are of the opinion that the categorisation "trade and business association" is quite broad and it is preferable to differentiate between the kind of enterprises that are represented, especially the differentiation between vertical industry sectors and the horizontal segmentation of SMEs.

On the data disclosure and quality we are of the opinion that the right information is currently required and that is more than sufficient for the European Institutions and the public authorities in general.

Any new additional information requirement should exclusively use a “ticking-box” tool.

Finally we see room for simplification in the data gathering. As the European Commission has already all the necessary information concerning membership of working groups, experts groups etc., (the Register of Expert Groups), the request for this information should consequently be skipped (application of the “once-only” principle) and it should ensure synergy with the Transparency Register. As it is valuable information, it could appear automatically (pre-filled) in the form (with the possibility to correct, add or update).

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