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Commission sets June date for lobbyists register

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The European Commission has identified 23 June 2008 as the target date for the publication of a voluntary lobbyists register and accompanying code of conduct, Administration and Anti-Fraud Commissioner Siim Kallas announced yesterday (8 May) following the adoption in Parliament of a landmark report on lobbying.

Background:

The European Commission is planning to introduce a lobbyists' register and a code of conduct for interest representatives on 23 June 2008 as part of the wider [transparency initiative](#) launched by Administration and Anti-Fraud Commissioner Siim Kallas in 2005.

Opinion has long been divided regarding the depth of the register's financial disclosure requirement and whether this should include names and precise spending figures for individual lobbyists. Questions have also been raised as to whether the register should be applied equally across law firms and professional consultancies as well as trade associations, NGOs and think tanks.

Adopting a draft report on the issue on 1 April, Parliament's Constitutional Affairs Committee recommended that a proposal for a mandatory lobbyists register common to all three EU institutions be drawn up by the end of the year, providing "full financial disclosure" of EU lobbying activities in Brussels ([EurActiv 03/04/08](#)).

The lobbying report was originally drafted by Finnish MEP Alexander Stubb, but German MEP Ingo Friedrich (EEP-ED) became the rapporteur following Stubb's return to Helsinki to become his country's foreign minister.

The adoption by a large majority of MEPs of the lobbying [report](#) during yesterday's (8 May) plenary session in Brussels represents a key moment in the drive to improve the transparency of the EU institutions and the estimated 15,000 lobbyists who seek to influence them ([EurActiv 30/04/08](#)). 547 members supported the report, amid 24 negative votes and 59 abstentions.

June version 'not a heavy animal'

The EU executive's June register "won't be a heavy animal", and will serve to provide "a common structure of information" on lobbyists, said Kallas, adding that he is looking forward to cooperating with Parliament on the development of a joint register "soon".

But the commissioner stressed that launching its own version before the summer will allow the EU executive "to test the practicalities of a register". The initiative will also provide "valuable practical experience for the future and give all lobbies the opportunity to demonstrate their strong commitment to the cause of transparency and the full legitimacy of their profession," he said.

Common register to follow

The report adopted in Parliament calls for the creation of a mandatory public register common to all three institutions, providing for "full financial disclosure" and accompanied by a code of conduct complete with a mechanism for expelling lobbyists who infringe its rules ([EurActiv 03/04/08](#)).

Vice President Kallas said the "**core elements of the Commission's proposal**" were strongly supported by the report, namely "a broad definition of lobbying, the large scope of actors to be covered, the link to a binding code of conduct, the obligation of financial disclosure and the need to have a common, inter-institutional register".

'Legislative footprint'

The report adopted by MEPs would allow rapporteurs, in charge of steering legislative documents through Parliament, to

voluntarily attach lists of which lobbyists were consulted and had a "significant input" to the preparation of their reports. But this practice, the so-called 'legislative footprint', would not be made obligatory.

Defining lobbyists

The adopted report defines a lobbyist as "anyone influencing the policy formulation and decision-making processes of the European institutions," whether representative of public or private interests or profit or not-for-profit organisations.

This definition includes "NGOs, think tanks, trade associations, trade unions and employers' organisations" as well as "lawyers when their purpose is to influence policy rather than case law", "professional lobbyists" and "companies' in-house lobbyists".

Financial disclosure requirement

Parliament's lobbying report stipulates that professional consultancies and law firms will have to "disclose the relative weight of their major clients and the costs associated with lobbying," while NGOs and think tanks will be required to "state their overall budgets and main sources of funding".

'Very solid' common ground

"There is now very solid common ground for the Commission and Parliament to develop a shared register," Kallas said.

Positions:

Commission Vice-President Siim Kallas, responsible for administration and anti-fraud, welcomed Parliament's adoption of the Stubb / Friedrich report, describing it as "a big step forward for the transparency of the EU institutions".

Nevertheless, "work does not finish with this report," he stressed, saying both the Commission and the Parliament still have "things to do" on lobbying. The Commission is "fully committed" to lobbying transparency, while "public opinion has a fundamental right to know what interests try to influence the decision-making process of the EU institutions," he said.

Welcoming Parliament's decision, the **European Public Affairs Consultancies Association (EPACA)** hailed the withdrawal of an amendment on financial disclosure "suggesting very narrow (almost intrusive) parameters which would have required disclosure of commercially sensitive information for consultants". It believes financial disclosure should "respect contractual and privacy obligations between clients and their consultants".

EPACA said it is "essential" that all lobbyists are treated equally, raising concerns that "the report may disrupt the level-playing field in terms of the definition of who exactly is a lobbyist," as currently it "puts into question whether lobbying by lawyers can be excluded from the transparency requirements on the basis that it is 'legal advice'".

"Lobbying is not just for consultancies such as EPACA members, but is also pursued by NGOs, think tanks, corporations, trade associations, unions, law firms, local, regional and national representations and other interest groups," the association stated, adding that it "plays an essential role within a democratic system and is an important source of information for MEPs".

Although largely supportive of the report's recommendations, MEPs criticised some of the details.

Danish MEP Søren Søndergaard of the **European United Left /Nordic Green Left (GUE/NGL)** described the report as a "step in the right direction, although not a huge one". He said his group wants "more stringent checks, a register that guarantees full clarity and full transparency, an ethical code of conduct, including for law firms, to be implemented before the elections in 2009 as well as effective monitoring and visible sanctions for those who breach this code."

On the issue of financial disclosure, Søndergaard concluded, "lobbyists should be obliged to provide the same information on their financial interests as MEPs".

His German counterpart, **MEP Sylvia-Yvonne Kaufmann (GUE/NGL)**, called for "clear and strong rules for the three institutions applicable to all lobbyists as well as information revealing where their funding comes from and who is paying them".

Italian MEP Monica Frassoni of the **Greens / European Free Alliance** said lawyers should be considered as lobbyists when trying to influence legislation, "even when providing legal advice". "There is a tendency to underrate the effectiveness of lobbying work," she added.

On the issue of the 'legislative footprint' of parliamentary rapporteur reports, **Finnish MEP Anneli Jäätteenmäki (ALDE)** described the Friedrich / Stubb report as "a practical compromise". "In a Union of 27 members, it is necessary to respect the political traditions of each country and a voluntary system will allow those who want to show transparency in their work to do so," she said.

Regarding financial disclosure, **UK Liberal Democrat MEP Diana Wallis (ALDE)**, said: "Financial disclosure is important but it is

only part of the overall picture. Equally important is identifying who the lobbyists are and their roles in any given policy process."

Rapporteur **Ingo Friedrich (EPP-ED, DE)** described it as an "important step towards more transparency in European legislation". "The Commission and the European Parliament need the expertise of lobbyists, but it must be transparent, correct and fair," he said.

"Once these new rules are implemented, we will have a real culture of transparency in Brussels," said **German Socialist MEP Jo Leinen**, the chairman of the European Parliament's constitutional affairs committee, while **UK MEP Richard Corbett, Socialist Group** spokesman on constitutional affairs, described the report as "a significant step forward, even though the European Parliament is already well in advance of most national parliaments on this issue".

Shadow rapporteur and **Spanish Socialist MEP Carlos Carnero González** said the Socialist Group supported an amendment tabled by the Greens which calls for the register to be in force before the 2009 European Parliament elections.

The reaction of transparency groups was more mixed.

Welcoming Parliament's approval of the report, the **Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)** said it "sends a strong message to the European Commission by calling for a mandatory register, including lobbyists' names, their clients [...] and financial disclosure on registered lobbying activities".

ALTER-EU lamented that the Commission's June register will be "purely voluntary and will not include meaningful financial data or the names of individual lobbyists". **Erik Wesselius of Corporate Europe Observatory**, who sits on ALTER-EU's steering committee, urged the EU executive's Vice President Siim Kallas to "strengthen the Commission's weak proposals for EU lobbying transparency and ethics rules".

Next steps:

- **23 June 2008:** Commission's target date for launch of its own lobbyists register.
- **By end 2008:** Inter-institutional working group to present proposal for a common lobbyists register.

Links

EU official documents

- European Parliament: [Adopted report \(provisional edition\)](#) [FR]

European Union

- European Parliament: [European Parliament calls for more transparency on lobbying](#) (8 May 2008) [FR] [DE]
- European Commission: [Kallas' statement on the adoption of the Stubb/Friedrich report](#) (8 May 2008)
- European Commission: [Transparency Initiative](#) [FR] [DE]

Political Groups

- EPP-ED Group: [European Parliament demands more transparency for EU lobbyists. Ingo Friedrich MEP](#) (8 May 2008) [DE]
- Socialist Group (PES): [New rules for lobbyists a significant step forward](#) (8 May 2008) [FR]
- Alliance of Liberals & Democrats for Europe (ALDE): [Lobbying: a step in the right direction](#) (8 May 2008) [FR]
- GUE/NGL: [Call for proper control and binding rules for lobbyists](#) (8 May 2008) [FR]
- Greens / EFA: [Lobbying: Parliament vote on new lobbying rules shows power of lobbyists](#) [FR] [DE]

EU Actors positions

- Alliance for Lobbying Transparency & Ethics Regulation (ALTER-EU): [European Parliament plenary votes for mandatory lobbyists register; Christian Democrats and Liberals weaken resolution](#) (8 May 2008) [FR]