

HIGH-LEVEL WORKING GROUP ON A COMMON REGISTER AND CODE OF CONDUCT FOR LOBBYISTS

Joint statement regarding the progress achieved to date

Following the Commission's European Transparency Initiative, and the European Parliament's resolution on 8 May 2008 concerning the development of a framework for the activities of interest representatives (lobbyists) in the European institutions, a joint EP-EC High Level Working Group was established to draw up a common approach by the institutions to this issue. The High-Level Working Party has met on four occasions (16 December 2008, 18 February 2009, 17 March 2009 and 22 April 2009) to discuss the possible shape and scope of a common register as well as issues relating to a possible common code of conduct for lobbyists.

Discussions have been constructive and productive. At its meeting on 22 April 2009, the High Level Working Group took stock of the progress achieved to date and agreed:

1. A **new page will be opened today 22 April on the inter-institutional pages of the Europa website**, presenting information about and links to both institutions' current registers, and enabling the public to access information about both registers from a single starting point.¹
2. A draft text of a **common code of conduct for lobbyists** (see Annex) is agreed, to enter into force once a common register is adopted.
3. The following **guidelines** for the two institutions for a future **common register** are agreed, pending the Commission's review of its register² (scheduled for June 2009) and a final agreement between the institutions:
 - Any inter-institutional agreement on a common register and code of conduct for lobbyists must respect general principles of EU law, including the principles of proportionality and non-discrimination, and must respect the rights of Members of the European Parliament to exercise their parliamentary mandate without restriction.
 - Parliament remains committed to the objective expressed in its resolution of 8 May 2008 of a common mandatory register to be agreed between Council, Commission and Parliament. However, Parliament and Commission agree, as a starting point, to proceed with a common register on a non-mandatory basis, it being understood that each institution must retain control over access to its

¹ http://europa.eu/lobbyists/interest_representative_registers/index_en.html

² In order to maintain the current convergence of views on a common register, the European Parliament will be closely associated with the review of the Commission register.

own premises and, in this regard, that any natural person acting as a lobbyist who wishes to have regular access to Parliament must, *de facto*, register.

- The common register shall include: a) the name of the person legally responsible for the organisation b) the name of the organisation's director or managing partner or principal contact point in Brussels, if applicable c) the names of the persons who have registered with EP for the purpose of getting an access badge.
- The adequacy of the current rules on financial disclosure will be considered, having due regard to the following points:
 - The turnover of professional consultancies and law firms attributable to lobbying the EU institutions, as well as the relative weight of their major clients.
 - An estimate of the costs associated with direct lobbying of the EU institutions incurred by in-house lobbyists and trade associations;
 - The overall budget and breakdown of the main sources of funding of NGOs and think-tanks;
- Both institutions shall take appropriate external communication measures to raise awareness of the register and promote its use.
- Both institutions shall undertake appropriate internal communication and training to raise awareness of the common register and the complaints procedure among EU officials and Members' staff.
- The common register shall have a common monitoring, complaints and sanctions mechanism, it being understood that such a process would respect proportionality and the rights of defence. Whilst complaints should be referred to a technical level group for examination by representatives of both Parliament and Commission, decisions regarding long-term suspension or exclusion from the register should be communicated to the responsible political level bodies of both institutions.

4. That work aimed at establishing a common register on the basis of the above elements and guidelines, which represent the first steps achieved so far, should **continue as early as possible in the next parliamentary term**.

Finally, Parliament and Commission strongly regret that Council, as a co-legislator, has not yet been willing to join negotiations on a common register, and **reiterate their invitation to Council** to so do.

Draft text for common code of conduct for interest representatives

Preamble

The European Parliament and European Commission affirm that:

- It is desirable that public office holders and the public be able to know who is attempting to influence policy-making and the legislative process;
- Lobbying public office holders is a legitimate activity.

The *Code of Conduct for interest representatives* is an important initiative for promoting public trust in the integrity of European decision-making.

To that end, public office holders, when they deal with the public and with lobbyists, are required to honour the standards set out for them in their own codes of conduct.

For their part, interest representatives communicating with public office holders are expected to apply the principles of openness, transparency, honesty and integrity and must abide by standards of conduct, which are set out below.

Code of conduct

In the context of their relations with Parliament and Commission, interest representatives shall:

- a) always identify themselves by name and by the entity or entities they work for or represent; declare the interests and where applicable the clients or the members, which they represent;
- b) not obtain or try to obtain information, or any decision, dishonestly;
- c) not claim any formal relationship with Parliament or Commission in their dealings with third parties, nor misrepresent themselves as to the effect of registration to mislead third parties and/or EU staff;
- d) ensure that, to the best of their knowledge, information which they provide is complete, up-to-date and not misleading;
- e) not sell to third parties copies of documents obtained from Parliament or Commission;
- f) not induce EU staff, or Members' assistants or trainees, to contravene rules and standards of behaviour applicable to them;
- g) if employing former EU staff or Members' assistants or trainees, respect their obligation to abide by the rules and confidentiality requirements which apply to them;

- h) observe any rules laid down on the rights and responsibilities of former Members of the European Parliament and the European Commission;
- i) inform their clients of their obligations as lobbyists towards the Commission and the Parliament;

Interest representatives who have registered with Parliament for the purpose of being issued with a nominative badge for access to Parliament's premises shall:

- j) comply strictly with the provisions of Rule 9 and Annex IX, as well as the provisions of Annex I, Article 2, second paragraph, of Parliament's Rules of Procedure;
- k) satisfy themselves that any assistance provided in accordance with the provisions of Annex I, Article 2 is declared in the appropriate register;
- l) in order to avoid possible conflicts of interest, obtain the prior consent of the Member or Members of the European Parliament concerned as regards any contractual relationship with or employment of a Member's assistant, and subsequently declare this in the common register of interest representatives.

Other provisions

- Breaches of the Code. Registered entities are informed and agree that breaches of the above rules by their representatives may lead to suspension or exclusion from the Register and, if applicable, the withdrawal of the access badges to the European Parliament issued to the person concerned and, if appropriate, their firms, following an investigation paying due respect to proportionality and the right of defense.
- Complaints. Registered entities are informed that anyone can lodge a complaint with the Commission or Parliament, substantiated by material facts, about a suspected breach of the above rules.
- Publication of contributions and other documents. Registered entities are informed that their contributions to public consultations will be published on the internet together with the identity of the contributor, unless the contributor objects to publication of the personal data on grounds that such publication would harm his or her legitimate interests. The Commission or Parliament may, upon request and subject to the provisions of Regulation (EC) No 1049/2001 on access to documents, have to disclose correspondence and other documents concerning the interest representatives' activities.