

Public Consultation on a proposal for a mandatory Transparency Register

Fields marked with * are mandatory.

Public Consultation on a proposal for a mandatory Transparency Register

The European Commission seeks the views of all interested parties on the performance of the current Transparency Register for organisations and self-employed individuals engaged 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.

QUESTIONNAIRE

*

Are you responding as:

- An individual in my personal capacity
- The representative of an organisation registered in the [Transparency Register](#)
- The representative of an organisation not registered in the Transparency Register

*

Please provide your Register ID no:

47350036909-69

*

Name of the organisation:

Secretariat of COMECE (Commission of the Episcopates of the European Community)

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The organisation's head office is in:

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Germany
- Denmark
- Estonia
- Greece
- Spain
- Finland
- France
- Hungary
- Croatia
- Ireland
- Italy
- Lithuania
- Luxembourg
- Latvia
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Sweden
- Slovenia
- Slovak Republic
- United Kingdom
- Other country

*

*Your organisation belongs to the following type:

See a description of the below categories [here](#)

- Professional consultancies
- Law-firms
- Self-employed consultants
- Companies and groups
- Trade and business associations
- Trade unions and professional associations
- Other organisations including: event-organising entities (profit or non- profit making); interest-related media or research oriented entities linked to private profit making interests; ad-hoc coalitions and temporary structures (with profit-making membership)
- Non-governmental organisations, platforms, networks, ad-hoc coalitions, temporary structures and other similar organisations
- Think tanks and research institutions
- Academic institutions
- Organisations representing churches and religious communities
- Regional structures
- Other sub-national public authorities
- Transnational associations and networks of public regional or other sub-national authorities
- Other public or mixed entities, created by law whose purpose is to act in the public interest

Contact for this public consultation:

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A. GENERAL PART (7 questions)

1. Transparency and the EU

1.1 The EU institutions interact with a wide range of groups and organisations representing specific interests. This is a legitimate and necessary part of the decision-making process to make sure that EU policies reflect the interests of citizens, businesses and other stakeholders. The decision-making process must be transparent to allow for proper scrutiny and to ensure that the Union's institutions are accountable.

*

a) Do you agree that ethical and transparent lobbying helps policy development?

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

As the representation of the Catholic Bishops' Conferences of the European Union Member States vis-à-vis the EU Institutions, we deem it important to participate to the present consultation: in relation to the high value the Church attaches to transparency as a necessary element of a democratic and pluralistic society, required so that all members of the latter are able to take part in the political decision-making process and to ensure democratic decisions; as well as to the relevance the instrument has for the role of Church representative offices as actors at the EU level.

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b) It is often said that achieving appropriate lobbying regulation is not just about transparency, i.e. shedding light on the way in which lobbyists and policy-makers are operating. Which of the below other principles do you also consider important for achieving a sound framework for relations with interest representatives?

More than one answer possible

- Integrity
- Equality of access
- Other (please elaborate in the comments box below)
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

Integrity has a particular relevance in this context, especially with regard to provisions to prevent conflicts of interest.

The Register's role in providing clearly readable information on EU funding received by registered entities is to be appreciated, and the relevant part of the registration form should ideally provide an even greater level of detail in this particular regard (EU funding for projects, financial support to the functioning of organisations), considering that the instrument is specifically focused on the Union level. Incidentally, the level of EU funding to cover operative costs of organisations active at the Union's level should be contained within reasonable and sustainable limits, so as to ensure that principles like independence, impartiality and equal treatment are protected.

The principle of proportionality, as enshrined in Article 5 of the Treaty on European Union, is also especially relevant among the key principles to be taken into account in view of achieving a balanced system (in particular with regard to the recourse to sanctions).

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c) In your opinion, how transparent are the European institutions as public institutions?

- They are highly transparent
- They are relatively transparent
- They are not transparent at all
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

The discussion on transparency at the EU level is obviously broader than the question concerning the technical tool of the Transparency Register (e.g. with regard to access to information on interinstitutional negotiations, for which the new interinstitutional agreement on better law-making can only be considered a starting point).

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1.2 The Transparency Register provides information to politicians and public officials about those who approach them with a view to influencing the decision-making and policy formulation and implementation process. The Register also allows for public scrutiny; giving citizens and other interest groups the possibility to track the activities and potential influence of lobbyists.

Do you consider the Transparency Register a useful tool for regulating lobbying?

- Very useful
- Somewhat useful
- Not useful at all
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

2. Scope of the Register

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2.1 Activities covered by the Register include lobbying, interest representation and advocacy. It covers all activities carried out to influence - directly or indirectly - policymaking, policy implementation and decision-making in the European Parliament and the European Commission, no matter where they are carried out or which channel or method of communication is used.

This definition is appropriate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We would consider it appropriate to preserve the current definition, with the inclusion of the preparation and approval phases, as well as of the implementation phase, of EU policies and legislation.

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2.2 The Register does not apply to certain entities, for example, churches and religious communities, political parties, Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Regional public authorities and their representative offices do not have to register but can register if they wish to do so. On the other hand, the Register applies to local, municipal authorities and cities as well as to associations and networks created to represent them.

The scope of the Register should be:

- Changed to exclude certain types of entities (please elaborate in the comments box below)
- Changed to include certain types of entities (please elaborate in the comments box below)
- Preserved the same as currently
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

The COMECE Secretariat is registered in the Transparency Register since 2011 under the category “Organisations representing Churches and religious communities” (Section V), as it considers the instrument sufficiently inclusive and respectful of its specificity.

The quality and quantity of registrations that took place under Section V since 2011 (especially compared to the ones achieved with the old, problematic Register of Interest Representatives) are clear evidence that the configuration of this part of the Register is soundly conceived and fits the identity and specificity of the organisations covered by this Section.

The approach according to which the Register does not apply to Churches and religious communities as such, while expecting Organisations representing Churches and religious communities to enter the register, is balanced and reasonable, and also reflects reality and practice. For additional considerations on this point we would refer to the entry under “Goals/remit of the organisation” in our registration formula.

Due to the legal framework enshrined in the Treaties and under which Churches and religious associations or communities operate, the current system is sound. In this regard, it should be highlighted that in its decision of 11 May 2011 on conclusion of an interinstitutional agreement between the European Parliament and the Commission on a common Transparency Register (paragraph 7, letter b) the Parliament particularly welcomed, among the aspects of the agreement “...the scope of the register, which covers all the relevant actors except for, inter alia, the social partners as participants in the social dialogue, churches, political parties and local, regional and municipal authorities (including representations forming part of their administrations); in view of these bodies’ institutional role under the Treaties and under paragraphs 10(b), 11, 12 and 13 of the agreement, they do not come within the scope of the register...”. This element of the agreement was fully confirmed in its 2014 formulation. The same logic is also appropriately reflected in the two Decisions adopted by the European Commission on 25 November 2014 concerning publication of information on meetings held with organisations or self-employed individuals.

Article 17(1) of the Treaty on the Functioning of the EU provides that “The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States”. The structure and the approach of the future Transparency Register has to comply with this requirement, by avoiding negative impacts on the peculiar way the interaction and collaboration between Churches and religious associations or communities and national authorities is organised in the Member States, on the basis of Fundamental Laws, Concordats, traditions and consolidated good practices. Full respect for the Churches' right to autonomy also has to be fully ensured.

3. Register website

3.1 What is your impression of the Register [website](#)?

	Good	Average	Poor	No opinion
*Design and structure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Availability of information / documents	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Ease of search function	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Accessibility (e.g. features for visually impaired persons, ease of reading page)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Access via mobile devices	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

4. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

3000 character(s) maximum

In our view, the general balance achieved since 2011 and confirmed in the following revisions that concerned the Transparency Register is satisfactory and does not require particularly extensive intervention.

An exception would concern the fact that a number of entities that have registered in the Transparency Register do not fall under the label of “lobbyists” or “interest representatives”. The “lobbying”/“interest representation” terminology is often associated with terms like “business”, “clients”, “profits”; is historically linked to economic interests; and generally has a negative connotation. In the materials and tools related to the current Transparency Register (e.g. the Transparency Register Implementing Guidelines, the Code of Conduct) the ‘lobbying’ and ‘interest representation’ terminology, in some instances, is still used in a generalised way, as if applicable to all entities covered by the Register, despite the legitimate objections a number of them has to being associated with such wording. The questionnaire for the present consultation also refers in various passages to the lobbying/interest representation terminology as if fitting all entities concerned. The positive and important clarification contained at page 19 of the Transparency Register Implementing Guidelines, according to which “Not all registrants are ‘lobbyists’ and there is no universal definition of ‘lobbying’”. Moreover, the Register aims to cover a much broader area of participation in EU decision-making” should be given greater prominence and the language used within the Register and the related tools and materials should be made fully coherent with it, and avoid any generalised use of the lobbying/interest representation terminology. It would also be opportune to have an element of separation and distinction between authentic lobbyists/interest representatives; and entities that do not belong to that ambit. This aspect is to a certain extent taken into account in the current context, but it would deserve an enhancement. A dividing line does appear between the first two Sections of the Register (concerning entities that have a commercial nature and are clearly linked with lobbying activities) and the other four Sections of the Register (concerning entities that have a non-commercial nature and are not linked with the aforesaid area) both in Annex I to the relevant 2014 interinstitutional agreement; and in the frame accessible on the Register when attempting to register an organisation. This element should be also featured in the online visualisation of the six Sections of the Register on its homepage.

If you wish you may provide additional information (position papers, reports, etc) in support of your answers to this public consultation. Please upload no more than three files of up to 1Mb each. Attachments above this number will not be considered.

Attach files

End of Part A

Part B includes questions that require a certain knowledge of the Transparency Register. Proceed to Part B (optional).

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Do you want to proceed to Part B ?

- Yes
- No

B. SPECIFIC PART (13 questions)

1. Structure of the Register

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1.1 The Register invites organisations to sign up under a particular section, for example, professional consultancies, NGOs, trade associations, etc (Annex I of the [Interinstitutional Agreement](#)). Have you encountered any difficulties with this categorisation?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We appreciate the way in which Section V (“Organisations representing Churches and religious communities”) is devised. Its homogeneity should be entirely preserved.

A quotation from paragraph 13 of the relevant 2014 interinstitutional agreement (“The register does not apply to churches and religious communities. However, the representative offices or legal entities, offices and networks created to represent churches and religious communities in their dealings with the EU institutions, as well as their associations, are expected to register”) could be inserted as the heading of Section V of the Register, so that it is visualised at the top of the relevant list of registrants every time the Section is opened. This would help to clarify to the user, in a practical and immediate way, the concept and the structure of this Section.

2. Data disclosure and quality

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2.1 Entities joining the Register are asked to provide certain information (contact details, goals and remit of the organisation, legislative dossiers followed, fields of interest, membership, financial data, etc) in order to identify the profile, the capacity of the entity and the interest represented (Annex I of the [Interinstitutional Agreement](#)).

The right type of information is required from the registrant:

- Fully agree
- Too much is asked
- Too little is asked
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

The level of disclosure currently required is satisfactory (in particular with regard to: legislative dossiers to be followed and financial data). The key is rather for the EU to appropriately monitor the compliance by the registrants.

*

2.2 It is easy to provide the information required:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

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2.3 Do you see any room for simplification as regards the data disclosure requirements?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

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2.4 What is your impression of the overall data quality in the Register:

- Good
- Average
- Poor
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

3. Code of Conduct and procedure for Alerts and Complaints

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3.1 The Code of Conduct sets out the rules for all those who register and establishes the underlying principles for standards of behaviour in all relations with the EU institutions (Annex III of the [Interinstitutional Agreement](#)).

The Code is based on a sound set of rules and principles:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

The principles contained in the Code of Conduct linked with the Transparency Register constitute a sound and acceptable basis for a transparent interaction with the EU institutions.

3.2 Anyone may trigger an alert or make a complaint about possible breaches of the Code of Conduct. Alerts concern factual errors and complaints relate to more serious breaches of behavioural nature (Annex IV of the Interinstitutional Agreement).

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a) The present procedure for dealing with alerts and complaints is adequate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

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b) Do you think that the names of organisations that are suspended under the alerts and complaints procedure should be made public?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

4. Register website – registration and updating

4.1 How user-friendly is in your opinion the Register [website](#) in relation to registration and updating?

	Straightforward	Satisfactory but can be improved	Cumbersome	No opinion
*Registration process	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Updating process (annual & partial)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

5. Current advantages linked to registration

5.1 The European Parliament and the European Commission currently offer certain practical advantages (incentives) linked to being on the Register. The Commission has also announced its intention to soon amend its rules on Expert groups to link membership to registration. Which of these advantages are important to you?

In the European Parliament (EP)

	Very important	Somewhat important	Not important	No opinion
<p>*Access to Parliament buildings : long-term access passes to the EP's premises are only issued to individuals representing, or working for registered organisations</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Committee public hearings: guests invited to speak at a hearing need to be registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Parliament does not grant its patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the European Commission

	Very important	Somewhat important	Not important	No opinion
<p>*Meetings: organisations or self-employed individuals engaged in relevant activities must be registered in order to hold meetings with Commissioners, Cabinet members and Directors-General</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Public consultations: the Commission sends automatic alerts to registered entities about consultations in areas of interest indicated by them; it differentiates between registered and non-registered entities when publishing the results</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Commissioners do not grant their patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Mailing lists: organisations featuring on any mailing lists set up to alert them about certain Commission activities are asked to register</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Expert groups: registration in the Transparency Register is required in order for members to be appointed (refers to organisations and individuals appointed to represent a common interest shared by stakeholders in a particular policy area)</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

Even in the context of a mandatory system, effective benefits deriving from registration would still make the instrument more complete, functional and fit-for-purpose.

The quality and detail of communications to registrants concerning public consultations should be improved: at the moment, a basic automatic electronic communication is sent to them when a new consultation is launched, with information limited to the general policy area(s) covered by the exercise. Such communications should not only feature the title of the specific consultation and a direct link to the relevant webpage, but also provide a clear added value and edge to registered entities over non-registered ones: e.g. information on the contact person(s) responsible for the dossier within the Commission services; advance indications of intermediate possibilities of ad hoc meetings, hearings, further targeted consultations, testing sessions; provision of additional materials, documentation and information that is not accessible to non-registered entities.

The establishment of a sort of EU “transparency label” could also be considered. Such label, which should be neutrally named, might be superimposed on written contributions that are submitted by registered entities once they are placed online.

6. Features of a future mandatory system

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6.1 Do you believe that there are further interactions between the EU institutions and interest groups that could be made conditional upon prior registration (e. g. access to MEPs and EU officials, events, premises, or featuring on specific mailing lists)?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

In general, because of its constrictive character, a mandatory system – even more so than a voluntary one – is viable only if it respects, reflects and fits the nature and identity of the great variety of actors and organisations concerned.

Over-regulation is not advisable. The EU framework should be kept light and avoid creating additional administrative burdens. Heavily sanctions-based approaches should also be avoided.

We have a certain degree of understanding for the argument that an exaggeratedly extensive and detailed record of meetings and contacts would also have drawbacks: both as for the bureaucratisation of the instrument; and for the possible negative impact on the healthiness of the policy- and decision-making process (e.g. chilling effect on both responsible EU desk officers and entities committed to contributing to it).

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6.2 Do you agree with the Commission's view that the Council of the EU should participate in the new Interinstitutional Agreement on a mandatory Register?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

While the technical difficulties and issues to be addressed in this regard have to be acknowledged, full completion of the transparency framework at the EU level can be achieved only with the association of the Council of the European Union to the Transparency Register. The key role played by this institution as co-legislator would be reflected by its inclusion in the instrument.

7. Looking beyond Brussels

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7.1 How does the Transparency Register compare overall to 'lobby registers' at the EU Member State level?

- It is better
- It is worse
- It is neither better, nor worse
- No opinion

Good practices or lessons learned at the EU Member State level to be considered, or pitfalls to be avoided. (Optional)

4000 character(s) maximum

Concerning national experiences, the majority of Member States that feature a registration system have chosen the mandatory option. However, it also has to be underlined that many EU Member States still have not introduced any registration tool. The trend existing among the Member States which have regulated the sector does not automatically make the EU option for a mandatory instrument advisable. The question of whether mandatory systems introduced at the national level “have worked”, yielding the expected results, should be carefully addressed. Contacts with the national responsible authorities are in this sense crucial.

The specificity of various entities is recognised by means of exemptions or specific provisions – with different rationales and in the context of the diversity of national systems – in the Member States that have introduced registration systems. For instance, exclusions from registration concern in Austria e.g. political parties, officially recognised Churches and social security institutions; in Lithuania non-profit organisations (with Churches being generally categorised as non-profit entities and therefore covered by the exemption). In Slovenia, inter alia, charities and Churches are not covered by the relevant legislation.

Concerning rather more negative experiences, in the UK, the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014, with its broad impact and ramifications, has raised concerns of charities and Churches.

Going beyond EU borders, as encouraged by the recent public hearing on the topic, the seminal experience of the American legislation (US Lobbying Disclosure Act of 1995) should continue to constitute the key reference point and to provide inspiration to EU initiatives in this area, also considering its high standards. It is to be noted that Section 3 of the US Lobbying Disclosure Act states at paragraph 8 (definition of “lobbying contact”), letter B (exceptions) that: “The term “lobbying contact” does not include a communication that is... (xviii) made by-(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a)”. The more recent Australian legislation is also notable for the fact that the relevant Code of Conduct provides at § 3.5 that: ““Lobbyist”... does not include: a. charitable, religious and other organisations or funds that are endorsed as deductible gift recipients; b. non-profit associations or organisations constituted to represent the interests of their members that are not endorsed as deductible gift recipients...”.

Essentially, European and international experiences show that the specificity of certain entities, including Churches and religious communities, is taken into account with ad hoc provisions in the context of registration systems like the one in question.

8. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

3000 character(s) maximum

*Publication of your consultation

- I agree to my contribution being published.
- I do not agree to my contribution being published.

[Specific privacy statement](#)

Useful links

[Read more on the public consultation homepage](#)

http://ec.europa.eu/transparency/civil_society/public_consultation_en.htm

Contact

SG-TRANSPARENCY-REGISTER-PUBLIC-CONSULTATION@ec.europa.eu
