

Transparency International's response to the ETI Green Paper

1. Transparency International welcomes the opportunity to comment on the Green Paper of the European Transparency Initiative. Please find below our comments to the section on transparency and interest representation.

Transparency and Interest Representation (Lobbying)

Do you agree that lobbyists who wish to be automatically alerted to consultations by the EU institutions should register and provide information, including on their objectives, financial situation and on the interests they represent? Do you agree that this information should be available to the general public? Who do you think should manage the register?

2. Transparency International agrees that efforts should be made to bring greater transparency to lobbying. The continuous exchange of information between interest groups, companies and citizens on the one hand and politicians, parliamentarians and administrators on the other, should be as transparent as possible.
3. Transparency International agrees that lobbyists who wish to be automatically alerted to consultations by the EU institutions generally should register and provide information, including their name, objectives, financial situation and the interests and/or bodies they represent. Information on the financial situation should contain a detailed list of fees and expenses received from third parties.¹ Transparency International agrees this information should be available to the general public and structured so that data can be searched and filtered according to all relevant criteria.
4. It is however Transparency International's opinion that a mandatory registration system only should apply to companies and individuals spending above a certain threshold in terms of money and time. This will allow small groups and individuals the space to campaign without the burden of registering on a continuous basis, while at the same time allowing for a more thorough reporting system for stakeholders above the threshold. TI recommends that the initial threshold be fixed at €5000 per quarter and/or 20 hours spent lobbying per

¹ TI is aware that client details held by their legal representatives can fall under national laws on privacy . This should not however allow law firms who lobby at EU level to withhold information on the relevant client's identity.

quarter and encourage the Commission to monitor the suitability of these thresholds on a periodic basis.

5. A mandatory system should be considered with a clear focus on enforceability. An independent watchdog agency (see paragraph 8) can list offenders in its annual report. TI also believes that national governments should explore the feasibility of applying criminal penalties for those lobbyists deliberately presenting misleading or fraudulent information to the Commission ombudsman or watchdog.
6. Transparency International agrees on the need to consolidate existing codes of conduct with a set of common minimum requirements. Minimum requirements on financial disclosure should include the disclosure of detailed information on expenses. Transparency International suggests that a consolidated code should be adopted by the Commission after consultation with lobbyists. It is TI's opinion, that the code should acknowledge the two-sided nature of lobbying and include rules for both the lobbyist and the lobbied.
7. Transparency International suggests the introduction of a system to regulate 'revolving doors' for EU officials. A cooling off period of three years for senior officials and a more flexible but binding revolving door exit plan for more junior officials is desirable.
8. Transparency International finally agrees that a new independent watchdog agency is needed to manage the register and monitor compliance and sanctions to be applied for any breach of the code. Setting up an office under the European Ombudsman may be a practical solution. The watchdog should be in a position to accept submissions in regards to breaches, to conduct its own investigations and to issue sanctions.

About Transparency International

Transparency International is a global network including more than 90 locally established national chapters and chapters-in-formation. These bodies fight corruption in the national arena in a number of ways. They bring together relevant players from government, civil society, business and the media to promote transparency in elections, in public administration, in procurement and in business. TI's global network of chapters and contacts also use advocacy campaigns to lobby governments to implement anti-corruption reforms.

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