



REPLIES OF THE EUROPEAN PARLIAMENT TO THE SPECIAL REPORT OF THE EUROPEAN COURT OF AUDITORS

“EU TRANSPARENCY REGISTER PROVIDES USEFUL BUT LIMITED INFORMATION ON LOBBYING ACTIVITIES”

OBSERVATIONS

The Parliament has continuously endeavoured to improve and strengthen the EUTR. Since the end date of the audit, it has continued its work on several concrete priorities to do this as outlined in this reply. In addition, the Parliament recalls that the EUTR's concrete achievements and results for the years spanning the audit are outlined in its annual reports on the functioning of the EUTR which explain in detail the implementation and transition process to the 2021 IIA on a mandatory transparency register.

The EUTR interinstitutional agreement has positive features, but enforcement measures fall short

The aim of the IIA is to make interest representation more accountable and transparent and the EUTR is an important transparency tool that has shown remarkable resilience over time, demonstrated by the consistently high registration rates and its considerable size (over 12 000 interest representatives). The EUTR is valued as an example for regulators across the EU and globally.

The Parliament considers that national legal regimes for lobbying regulation have fundamental differences in terms of design, mission and objectives compared to the EUTR. It is not clear that the national systems presented are more efficient in terms of regulating or ensuring compliance with transparency rules for interest representation. A reference to such systems will therefore not yield concrete or meaningful results.

Although the IIA is not a legislative act and therefore it cannot impose sanctions on interest representatives, it contains a set of important enforcement measures (Annex III). These measures include removal from the register following quality checks, complaints and investigations, which, taken together, have been applied very frequently, as demonstrated by the EUTR Annual Reports. In addition, the signatory institutions established in the IIA the possibility of prohibiting a registrant from re-registering for a period of up to two years and the accompanying publication of that prohibition (reputational aspect), as a powerful measure to restrict access to the EU institutions in light of the seriousness of non-observance of the EUTR code of conduct.

All suspended registrations are now published on the Transparency Register website, on a dedicated page. This reinforces public scrutiny and puts reputational pressure on suspended entities to rectify any shortcomings if they wish to be reinstated in the register.

These measures have proven effective in maintaining continuous rates of registration and updating, and in increasing awareness of the importance of data quality, observance of the code of conduct, and about the reputational risks associated with any breaches of it.

Not all lobbying requires EUTR registration, but the institutions have put in place some complementary transparency measures

The nature of interest representation is by essence dynamic: context, activities, players, and targets continuously change. Any framework aimed at regulating this phenomenon must be by definition flexible in order to adjust to an ever-evolving environment.

The IIA enables such flexibility in two ways. Firstly, it covers all interest representation activities, by means of a broad definition in Article 3, subject to the exceptions set out in Article 4. Secondly, the IIA requires each signatory institution to adopt its own conditionality and complementary measures, and hence to tailor it to the different role and nature of each institution, to the different constitutional, institutional and legal setups, and to the different ways in which the institutions are lobbied.

With the IIA, the three signatory institutions have agreed to implement a coordinated approach and adopt measures of equivalent effect, which take account of their institutional differences. Dedicated access to the Parliament or participation in Commission expert groups are practical examples of such differences in functioning. It is therefore not only natural but also necessary that those measures be different in order to adapt their effectiveness to institutional specificities.

Lobbyists are required to register in the EUTR only for certain meetings and activities

Due to the independence of the mandate of elected parliamentarians, as enshrined in primary law and secondary legislation, it is legally impossible for the Parliament to introduce a binding requirement for MEPs to meet exclusively EUTR registered interest representatives. Despite that, Parliament has developed a comprehensive framework, combining conditionality and complementarity requirements, taking into account its institutional specificities and the applicable legal framework.

It applies conditionality requirements to the granting of access badges for interest representatives, to intergroups and unofficial groupings, and for co-organisers and active participants in a range of meetings (i.e. events) in Parliament's premises, which include Members and staff. This is combined with a strong recommendation, as part of the Parliament's Code of Conduct for Members regarding integrity and transparency (Annex I to the Rules of Procedure), for MEPs and their assistants to only meet EUTR-registered interest representatives and an obligation to publish information on meetings with interest representatives. Parliament is currently revising its rules applicable to staff.

In relation to table 2, the Parliament would note the complex legal and institutional considerations inherent in the application of conditionality and complementarity requirements and restate that it cannot instruct its directly-elected Members who they should or should not be allowed to meet.

In recent years, the Parliament has made it a priority to bring further transparency into interest representation influence, not least through its spearheading of the revised 2021 IIA. Some of the latest changes implemented by Parliament effectively restrict the possibility of interest groups having a platform in the Parliament without prior EUTR registration. Most recently, Parliament's revised Rules of Procedure broadened the requirement for all MEPs to publish information about all scheduled meetings with interest groups, and with representatives of public authorities of non-EU countries. As an additional transparency requirement, rapporteurs are required to list the input received on matters pertaining to the subject of the file in an annex to their report or opinion. Moreover, awareness-raising activities have seen a significant increase with a view to strengthening further the overall compliance culture at all levels within the institution.

Regarding **observation 44**, Parliament has also dedicated substantial efforts to streamlining and further increasing the public visibility of scheduled meetings, which are available on its website. It has created a transparency tab, allowing such information to be linked to a specific procedure in its Legislative Observatory and, most recently (January 2024). It has rolled out a central search function for all meetings published by MEPs.

The EUTR Secretariat's working arrangements encounter coordination and data quality challenges

The EUTR Secretariat is a *sui generis* joint administrative structure without legal personality. Due to the interinstitutional nature of the EUTR, its operation naturally requires significant cooperation and coordination between the three institutions. As such, the EUTR Secretariat is a unique example of successful interinstitutional cooperation and should be seen as a positive and constructive process in furthering EU transparency policy and not as possible risk or impediment to efficiency. While the Secretariat does not have formally adopted rules of procedure, the 2021 IIA sets out clearly its main tasks (monitoring, complaints handling, own investigations, etc.) and its procedures for approving applications for registration and for handling of monitoring and investigation. The Secretariat has developed common and consistent guidance and practices, agreed between the institutions, and dedicates a considerable amount of coordination to ensuring consistency and proper information-sharing between the teams.

Regarding the observations on data quality (in particular 67-71), a general comment needs to be emphasised regarding the focus period for the audit report (2019-2022), as well as the related data samples. This period covers partly the framework under the previous 2014, partly the transition period before the effective implementation of the 2021 IIA, and a very short period of the actual operation under the 2021 IIA. Therefore, the findings related to the data quality in the EUTR in this period naturally present certain limitations and do not reflect the current overall data quality in the EUTR since the end date of the audit. Such findings, which are limited in size, are mainly attributable to the transition to the new EUTR after the entry into force of the 2021 IIA, and the natural and significant impact this transition process had on data quality in the EUTR.

Constantly improving the data quality in the EUTR has been a paramount priority for the EUTR Secretariat, which is demonstrated by the vast number of checks, helpdesk queries and other tasks carried out by the EUTR Secretariat in order to improve the quality of the applications and registrations. While applicants are responsible for the accuracy of the information provided, each application for a new registration is checked for completeness and compliance with the requirements of the 2021 IIA, before the registration is validated in the

EUTR. This is demonstrated by the number of recorded instances, where further corrections or updates were requested by the Secretariat before validation or during quality checks.

CONCLUSIONS AND RECOMMENDATIONS

Recommendation 1 – Strengthen and harmonise the implementation of the EUTR framework

This recommendation partly concerns political choices made by the 2021 IIA signatory institutions with its adoption, and Parliament is not in a position to pre-empt political choices, including by the other signatory institutions, that will be made in the context of any future review. As part of recent internal reforms, Parliament has introduced further conditionality and transparency measures, which require and further encourage EUTR registration, thereby already strengthening the EUTR framework.

Parliament partially accepts recommendation 1a) on a common definition of ‘what constitutes a meeting’. It is open to work together with the other institutions and explore the feasibility and usefulness of potentially harmonising certain aspects of that definition. However, it is important to emphasise that any possible harmonisation will need to properly reflect the different nature and constitutional framework of each of the signatory institutions.

Parliament partially accepts recommendation 1b). It will take into account the ECA recommendation in its ongoing revision of the rules applicable to staff.

Recommendation 2 – Publish information on non-scheduled meetings with lobbyists

Parliament does not accept recommendation 2.

Parliament finds it difficult to reconcile the nature of all non-scheduled and spontaneous interactions with any form of legal obligation to publish these encounters. This is currently not foreseen by the IIA framework and would present obvious enforcement and monitoring challenges. Parliament is not in a position to commit to make this an obligation, since such a decision would first require an in-depth assessment of the budgetary, administrative and legal implications.

Recommendation 3 – Improve data quality checks

Parliament accepts recommendation 3a).

According to the EUTR annual priorities for 2022 and 2023, the EUTR Secretariat’s monitoring exercise covered the entire content of the EUTR further to the transition of registrants to the mandatory register. In addition, all new applications for registration are checked for eligibility and satisfaction of the information requirements before they are published on the EUTR. Therefore, the Parliament, together with the other signatory institutions, has already taken steps to address the ECA’s recommendation.

Parliament partially accepts recommendation 3b). Parliament is open to explore the use of additional cross-checking tools in order to improve the completeness and accuracy of financial data.

Parliament accepts recommendation 3c). The EUTR Secretariat already provides extensive guidance and helpdesk assistance on the different types of interest representation and the

corresponding categories of financial information applicants and registrants must provide. In addition, pursuant to the EUTR annual priorities for 2024, the EUTR Secretariat will fine-tune its checks to focus on the types of interests represented and perform tailored screening of the content of the EUTR¹. The EUTR Secretariat will also monitor closely and provide further guidance for applicants and registrants on the information to be provided on financial and funding disclosure.

Parliament partially accepts recommendation 3d). Parliament would like to emphasise that items requiring further IT development are essentially subject to the availability of the necessary budget and resources and would need to take this into account.

Recommendation 4 – Improve the user-friendliness and relevance of the EUTR’s public website

Parliament accepts recommendations 4a) and 4b).

Parliament is already working with the other signatory institutions on improving the functionalities and information links of the EUTR website and the institutions will introduce a new state-of-the-art digital platform for the EUTR to respond to expectations and needs, using long-lasting and flexible IT solutions. Parliament expects that the new IT platform would address several of the issues identified by the ECA.

Parliament accepts recommendation 4c) Parliament is open to exploring jointly with the Commission and Council the best technical options to integrate historical information on removed registrations on the EUTR itself. However, further IT development are essentially subject to the availability of the necessary budget and resources.

¹ See EUTR annual priorities in 2024 - [Transparency Register \(europa.eu\)](https://eura.europa.eu/euraregister/).