



REPLIES OF THE EUROPEAN COMMISSION

TO THE EUROPEAN COURT OF AUDITORS' SPECIAL REPORT

EU Transparency Register

Provides useful but limited information on lobbying activities

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This document presents the replies of the European Commission to observations of a Special Report of the European Court of Auditors, in line with Article 259 of the [Financial Regulation](#) and to be published together with the Special Report.

I. THE COMMISSION REPLIES IN BRIEF

The Commission welcomes the European Court of Auditors' (ECA) special report of their audit on the EU Transparency Register (EU TR). Since its launch, the Commission has consistently seen that audit as an opportunity to provide for useful recommendations to further strengthen the EU TR as the key tool of the EU institutions for promoting transparent and ethical interest representation at their level. From the Commission's perspective, the EU TR is an important transparency tool that has shown remarkable resilience over time and is valued as an example for regulators across the EU, not least for its considerable size and consistently high rates of registration.

The EU TR is established by an Interinstitutional Agreement (IIA) between the European Parliament, the Council and the Commission¹. The IIA is the result of complex and long-standing political negotiations between the three institutions and provides a joint framework for their transparency policy concerning interest representation. In its report the ECA does not question the political choice of the institutions to regulate lobbying transparency through the IIA. Nonetheless, its recommendations push for a harmonisation of the measures implemented by the individual institutions, stemming from their internal political decisions, and a revision of the text of the IIA in its upcoming review. The outcome of the joint political process for a review, foreseen to take place by July 2025, depends upon common decisions of the signatory institutions to be decided by the auditee institutions which, based on their powers of internal organisation and considerations tailored to their particular institutional role, may take divergent views on how to approach certain individual matters (see the Commission's replies to ECA's Recommendations 1 and 2 in Section III).

The Commission is mindful of the complex and constantly evolving nature of lobbying and has taken, jointly with the other two auditee institutions, concrete initiatives to further improve and reinforce the EU TR throughout the implementation of the IIA. In this respect, the established annual priorities for the EU TR in the years 2022-2024 have provided for several actions on improvement and reinforcement ranging from systematic and targeted checks in the EU TR database to increase the overall data quality, to a full overhaul of the IT system supporting the EU TR to make it more accessible and user friendly. In this light, the Commission and other auditee institutions are already working towards implementing several of the recommendations made by the ECA in its report (see the Commission's replies to ECA's Recommendations 3 and 4 in Section III).

Against this background, the Commission generally welcomes the recommendations made by the ECA in its report, which sets out the ECA's findings for the data extraction period covering up until 5 October 2022. Since the end date of the audit, the Commission has worked on several concrete priorities to improve and strengthen further the EU TR as outlined in this reply. Furthermore, the Commission recalls that the EU TR's concrete achievements and results for the years spanning the audit are outlined in its annual reports on the functioning of the EU TR, which also explain in detail the implementation and transition process to the 2021 IIA on a mandatory transparency register, its natural impact on data quality and the challenges faced by the EU TR Secretariat during that process (see the Commission's replies to main observations of the ECA in Section II.3).

The Commission stands ready to continue to lead by example on transparency and work on those areas for improvement where real progress can be achieved in terms of strengthening the current EU framework for transparent and ethical lobbying.

¹ Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the EU and the European Commission on a mandatory transparency register, OJ L 207, 11.6.2021, p. 1.

II. COMMISSION REPLIES TO MAIN OBSERVATIONS OF THE ECA

1. EU TR and national regimes

The Commission is of the position that national legal regimes for lobby regulation have fundamental differences in terms of design, mission and objectives compared to the EU TR. Generally, national lobby registers are established under mandatory laws and are sanctions-based systems as opposed to the EU TR, which is established as a voluntary register for lobbyists based on incentives, namely to allow them access to the EU institutions and their key decision-makers upon fulfilment of conditions and requirements. A reference to such national systems will therefore not necessarily yield concrete or meaningful results. It is not clear that the national systems presented² are more efficient in terms of regulating or ensuring compliance with lobbying transparency rules compared to the EU TR model established by the EU institutions.

From its regular contacts with national registrars, the Commission is well aware of the diversity of approaches to regulating lobbying at European and international level. The Commission also interacts with the OECD to exchange best practice and experience in this area of regulation. From the Commission's perspective and experience from interacting with such public stakeholders, the EU TR model, including its code of conduct for registered interest representatives, is regarded as a source of reference and setter of principles of transparency and integrity in lobbying.

2. Covered lobbying activities and transparency measures

The IIA is designed as a dynamic and flexible legal instrument to allow to adapt to the evolving nature and changing forms of lobbying.

Within the framework established by the IIA, the Commission and the other auditee institutions apply a wide range of (conditionality) measures requiring registration in the EU TR for certain types of key lobbying activities and (complementary transparency) measures to further encourage registration and strengthen the joint framework. The Commission in particular applies very strict internal measures concerning meetings of interest representatives with its key decision-makers at political and administrative level and the participation of lobbyists in Commission expert groups. The European Parliament and the Council apply their own measures tailored to their specificities and particular institutional role. The three auditee institutions have acknowledged that such measures constitute the basis on which to continue to build and to improve their coordinated approach on ethical interest representation at EU level³. The Commission is therefore mindful of the room for possible improvements and open to consider policy options that would have a real potential for strengthening further the EU TR framework.

While conditionality measures requiring registration cover key lobbying activities, the EU TR covers all lobbying activities, as broadly defined in Article 3 of the IIA, subject to the exceptions set out in its Article 4. Spontaneous and social interactions are not covered by the IIA⁴. Therefore, by default, the Commission and other signatory institutions do not consider or treat them as lobbying

² See ECA observations 16, 26 and 36.

³ See the Political statement of the European Parliament, the Council of the European Union and the European Commission on the occasion of the adoption of the Interinstitutional Agreement on a mandatory transparency register, OJ L 207, 11.6.2021, p. 18.

⁴ See Article 4(1)(f) of the IIA. See also ECA observation 34.

The ECA's findings on data quality¹³ are mainly attributable to the transition to the new EU TR after the entry into force of the IIA, which largely overlapped with the audit reference period. The EU TR Secretariat could not carry out systematic verifications on registrations until the transition period had expired. In addition, due to the changes in the electronic registration form, a limited number of registrants encountered IT issues impacting their registrations. The transition process had therefore a natural and significant impact on data quality in the EU TR, including in relation to the sampled population of lobbyists checked by the ECA¹⁴, and the EU TR Secretariat's checks. The EU TR Secretariat's extensive new guidance on the different types of interests represented and the corresponding categories of financial information¹⁵ was available to applicants and registrants all along the process¹⁶. After the transition, the EU TR Secretariat was able to rectify several of the identified issues¹⁷.

The transition to the new regime brought about several further improvements including additional financial information requirements on certain categories of registrants as well as additional transparency of the client-intermediary relationship. Registrants representing their own interests have to declare any intermediaries used and their associated cost in their declaration; such intermediaries are then also expected to register. The same applies inversely, since intermediaries must declare all clients represented vis-à-vis the EU institutions, as well as the legislative files associated to the activities and an estimate of the revenues received; those clients are then expected to register and provide the corresponding information. The IIA has thus already improved substantially the coverage and content of the EU TR.

III. COMMISSION REPLIES TO THE RECOMMENDATIONS OF THE ECA

1. Recommendation 1 – Strengthen and harmonise the implementation of the EU TR framework

The signatory institutions should strengthen and harmonise the existing framework, either through the upcoming review of the interinstitutional agreement or through their implementing decisions, by:

- (a) providing a common definition of what constitutes a 'meeting' that captures all scheduled exchanges with lobbyists;**
- (b) specifying that at least the senior management with policy-making and decision-making responsibilities (director and above) should meet only registered lobbyists.**

¹³ See ECA observation 68.

¹⁴ See ECA observation 67.

¹⁵ See the EU TR Guidelines for applicants and registrants available in all EU languages – [Transparency Register \(europa.eu\)](https://ec.europa.eu/transparency-register/).

¹⁶ See ECA observation 69.

¹⁷ See ECA observation 68.

Target implementation date: July 2025

The Commission accepts Recommendation 1(a).

A common definition of a (lobby) ‘meeting’ could be a useful addition to the coordinated approach established by the signatory institutions through the IIA and their associated implementing decisions. The Commission is in favour of raising that issue at the interinstitutional level. Nevertheless, given the political nature of the recommendation, the Commission is not able to make specific commitments in relation to the outcome of any discussion of that matter with the European Parliament and the Council during the review of the IIA (or independently from that review process).

The Commission does not accept Recommendation 1(b).

From the Commission’s perspective, its internal rules in place, establishing that all its senior decision-makers at political (Members of the College and their Cabinet members) and administrative (Directors-general) level shall only meet registered interest representatives, provide a proportionate and efficient way of ensuring transparency of contacts with external stakeholders.

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

The signatory institutions should publish information on non-scheduled meetings where lobbying has taken place.

Target implementation date: July 2025

The Commission does not accept Recommendation 2.

The Commission 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 framework¹⁸ and would be in practice impossible to enforce and monitor in all cases, potentially leading to inconsistent situations and practices.

The Commission is further generally in favour of improving overall its regime on the publication on meetings with interest representatives and, to that effect, it plans to introduce several improvements to its IT tool for publishing lobby meetings. The Commission is also in favour of harmonizing, to a possible extent, the publication regime with the other two IIA signatory institutions.

3. Recommendation 3 - Improve data quality checks

To improve the quality of the transparency register’s data, the Secretariat should:

- (a) plan regular data quality checks so that all registrants are checked at least once over a period of 3 years, and systematically check those registrants where automated controls have identified risks;**

¹⁸ See Article 4(1)(f) of the IIA.

The Commission is planning the full remake of the dedicated EU TR IT system. New features and functionalities in the system are already applied since 2022 to facilitate the EU TR Secretariat's checks and their documentation trail. The Commission points out that items requiring further IT development are essentially subject to the availability of the necessary budget and resources.

4. Recommendation 4 - Improve the user-friendliness and relevance of the transparency register's public website

The Secretariat should improve the relevance and user-friendliness of the transparency register's public website by:

- (a) providing aggregated information on lobbyists and their activities in interactive dashboards and scoreboards, thereby allowing users to analyse and compare the data available from different sources;**
- (b) integrating and linking information about lobbyists in the transparency register with published information about their lobbying activities, including meetings with members and staff of the institutions (including MEPs);**
- (c) making available all historical information about lobbyists which have been removed or suspended from the transparency register, including their lobby meetings.**

Target implementation date: July 2025

The Commission accepts Recommendation 4(a).

The Commission accepts the recommendation. It already makes available consolidated datasets of the EU TR on its official portal for European data²⁰ which allows users to download all information displayed in the EU TR in Excel format and sort the data according to their particular needs. The EU TR is the exclusive source of information of other (private-operated) websites providing information on lobbying activities at EU level. In addition, a user-friendly register is an annual priority for the EU TR in 2024²¹. In the spring of 2024, the institutions will introduce a new state-of-the art digital platform for the EU TR to respond to expectations and needs, using long-lasting and flexible IT solutions. Additional features will be introduced to modernise the tool and ensure that the new online register fully adapts to accessibility and visual identity requirements and is easily accessible to an ever-larger group of stakeholders. The Commission expects that several of the issues raised by the ECA relating to the user-friendliness and accessibility of the website will be resolved ahead of the target implementation date.

The Commission needs to point out that any items requiring further IT development are essentially subject to the availability of the necessary budget and resources.

The Commission accepts Recommendation 4(b).

The Commission will work with the other signatory institutions on integrating and linking information once the new digital platform is operational. The Commission already makes available on the entries of lobbyists in the EU TR information about all their meetings with Commission decision-makers at

²⁰ See [Transparency Register - Data Europa EU](#).

²¹ See EU TR annual priorities in 2024 - [Transparency Register \(europa.eu\)](#).

the political and administrative level, their participation in Commission expert groups and their contributions to Commission public consultations and roadmaps, thereby allowing the public to have a comprehensive picture of the individual registrants' lobby cycle at EU level.

The Commission accepts Recommendation 4(c).

The Commission will explore jointly with the European Parliament and Council the best technical options to integrate historical information on removed registrations on the EU TR itself. All historical information about lobbyists registered in the EU TR is already made available on the Commission's official portal for European data. Consolidated datasets of lobby meetings with the Commission are also available in downloadable format on the same portal²². Since March 2023, the EU TR displays a list of suspended registrations, which allows to access the full content of such suspended entries.

The Commission points out that items requiring further IT development are essentially subject to the availability of the necessary budget and resources.

²² European Commission - [Meetings with interest representatives - Data Europa EU](#).