

Thursday 8 May 2008

Framework for the activities of lobbyists in the EU institutions

P6_TA(2008)0197

European Parliament resolution of 8 May 2008 on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions (2007/2115(INI))

(2009/C 271 E/06)

The European Parliament,

- having regard to Rule 9(4) of its Rules of Procedure,
 - having regard to the Green Paper entitled 'European Transparency Initiative' presented by the Commission (COM(2006)0194),
 - having regard to the Commission Communication entitled 'Follow-up to the Green Paper European Transparency Initiative' (COM(2007)0127),
 - having regard to the Commission draft Code of Conduct for Interest Representatives launched on 10 December 2007,
 - having regard to its decision of 17 July 1996 on the amendment of its Rules of Procedure (lobbying in Parliament) ⁽¹⁾,
 - having regard to its decision of 13 May 1997 on the amendment of its Rules of Procedure (Code of Conduct governing lobbyists) ⁽²⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Budgetary Control, the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Legal Affairs, and the Committee on Civil Liberties, Justice and Home Affairs (A6-0105/2008),
- A. whereas lobbying in the European Parliament has increased considerably as Parliament's competencies have expanded,
- B. whereas the aim of lobbying is to influence not only policy and legislative decisions, but also the allocation of Community funds and the monitoring and enforcement of legislation,
- C. whereas, following the expected ratification of the Treaty of Lisbon, Parliament's powers will be increased so that it will become co-legislator in almost all areas through the ordinary legislative procedure, therefore attracting the focus of even more lobby groups,
- D. whereas interest representatives play an essential role in the open and pluralistic dialogue on which a democratic system rests, and are an important source of information for its Members in the performance of their mandate,
- E. whereas lobby groups not only lobby its Members but also attempt to influence Parliament's decisions by lobbying officials working in the secretariats of parliamentary committees, the staff of political groups and Members' assistants,
- F. whereas it is estimated that there are about 15 000 individual lobbyists and 2 500 lobbying organisations in Brussels,
- G. whereas the Commission has proposed that a common register be introduced for interest representatives in the EU institutions as a part of its European Transparency Initiative,

⁽¹⁾ OJ C 261, 9.9.1996, p. 75.

⁽²⁾ OJ C 167, 2.6.1997, p. 20.

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- H. whereas Parliament has had its own register of lobbyists ⁽¹⁾ from as long ago as 1996, as well as a Code of Conduct ⁽²⁾ which includes a commitment for registered lobbyists to act in accordance with high ethical standards,
- I. whereas there are currently approximately 5 000 registered lobbyists in Parliament,
- J. whereas the lobby groups include local and national organisations whose activities the Member States are responsible for regulating,

Improving Parliament's transparency

1. Recognises the influence of lobby groups on EU decision-making and therefore considers it essential that Members of Parliament should know the identity of the organisations represented by lobby groups; emphasises that transparent and equal access to all the EU institutions is an absolute prerequisite for the Union's legitimacy and trust among its citizens; stresses that transparency is a two-way street that is needed both in the work of the institutions themselves and among the lobbyists; stresses that equal access for lobby groups to the EU institutions increases the expertise available for running the Union; considers it essential that representatives of civil society have access to the EU institutions, first and foremost to Parliament;
2. Considers that its Members have a responsibility on their own part to ensure that they receive balanced information; stresses that its Members must be deemed capable of making political decisions independently of lobbyists;
3. Acknowledges that a rapporteur may, as he or she sees fit (on a voluntary basis), use a 'legislative footprint', i.e. an indicative list, attached to a Parliamentary report, of registered interest representatives who were consulted and had significant input during the preparation of the report; considers it particularly advisable that such a list be included in legislative reports; stresses, nevertheless, that it is equally important for the Commission to attach such 'legislative footprints' to its legislative initiatives;
4. Maintains that Parliament must decide entirely independently to what extent it will take account of opinions originating from civil society;
5. Notes the current rules under which its Members are required to declare their financial interests; invites its Bureau, on the basis of a proposal from the Quaestors, to draw up a plan to further improve the implementation and monitoring of Parliament's rules under which a Member must declare any support which he or she receives, whether financial or in terms of staff or materials ⁽³⁾;
6. Notes the current rules on intergroups which require disclosure of funding; calls for further clarity in relation to intergroups, i.e. a list of all existing, registered and non-registered intergroups on Parliament's website, including full declaration of outside support for the activities of intergroups as well as a statement of the intergroup's broad aims; stresses, however, that intergroups should in no way be considered bodies of Parliament;
7. Calls for the Bureau, based on a proposal by the Quaestors, to look into ways of restricting unauthorised access to the levels on which its Members' offices are situated in Parliament's buildings, whereas access to committee rooms by the public should be limited only in exceptional circumstances;

Commission proposal

8. Welcomes the Commission's proposal for a more structured framework for the activities of interest representatives as a part of the European Transparency Initiative;
9. Agrees with the Commission's definition of lobbying as 'activities carried out with the objective of influencing the policy formulation and decision-making processes of the EU institutions'; considers this definition to be in line with Rule 9(4) of its Rules of Procedure;

⁽¹⁾ Rule 9(4) of the Rules of Procedure.

⁽²⁾ Article 3 of Annex IX to the Rules of Procedure.

⁽³⁾ Article 2 of Annex I to the Rules of Procedure.

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10. Emphasises that all players, including both public and private interest representatives, outside the EU institutions falling within that definition and regularly influencing the institutions, should be considered lobbyists and treated in the same way: professional lobbyists, companies' in-house lobbyists, NGOs, think-tanks, trade associations, trade unions and employers' organisations, profit-making and non-profit-making organisations and lawyers when their purpose is to influence policy rather than to provide legal assistance and defence in legal proceedings or to give legal advice; stresses also, however, that regions and municipalities of the Member States, as well as political parties at national and European level and those bodies which have legal status under the Treaties, do not fall within the scope of these rules when they are acting in accordance with the role, and carrying out the tasks of such bodies, as provided for in the Treaties;

11. Welcomes in principle the Commission's proposal for a 'one-stop shop' where lobbyists could register with both the Commission and Parliament and calls for an interinstitutional agreement between the Council, the Commission and Parliament on a common mandatory register, as is already *de facto* the case in Parliament, that would be applicable in all institutions and include full financial disclosure, a common mechanism of removal from the register and a common code of ethical conduct; recalls, however, the essential differences between the Council, the Commission and Parliament as institutions; reserves, therefore, the right to evaluate the Commission's proposal when it is finalised and, only then, to decide on whether or not to support it;

12. Recalls that the number of lobbyists who have access to Parliament must remain within reasonable limits; suggests, therefore, the adoption of a system under which lobbyists need register only once with all the institutions and each institution may decide whether to grant access to its premises, thus allowing Parliament to continue to limit the number of passes provided to each organisation or company to four;

13. Calls for mutual recognition between the Council, the Commission and Parliament of separate registers in the event that a common register is not agreed; suggests that, in the absence of arrangements by the institutions for a common register, their individual web-based registers should include links to the other registers in order to enable comparison of lobbyists' entries; calls on the Secretary General to move Parliament's list of representatives of accredited interest groups to a more easily accessible location on Parliament's website;

14. Proposes that a joint working group of Council representatives, Commissioners and Members of the European Parliament, appointed by the Conference of Presidents, should be set up without delay, with the aim of considering, by the end of 2008, the implications of a common register for all lobbyists who wish to have access to the Council, to the Commission or to Parliament and the drawing-up of a Common Code of Conduct; instructs its Secretary General to take the appropriate steps;

15. Urges the Council to join a possible common register; is of the opinion that careful consideration needs to be given to the activities of lobbyists vis-à-vis the Council Secretariat in the context of codecision matters;

16. Notes the Commission's decision to start with a voluntary register and to evaluate the system after one year, but is concerned that a purely voluntary system will allow less responsible lobbyists to avoid compliance; calls on the three institutions to review the rules governing the activities of lobbyists at the latest three years after a common register is established, in order to determine whether the changed system is achieving the necessary transparency in respect of lobbyists' activities; is aware of the legal basis for a mandatory register provided by the Treaty of Lisbon and expresses its will in the meantime to cooperate with the institutions by way of an interinstitutional agreement on the basis of the existing registers; considers that mandatory registration should be a requirement for lobbyists who wish to have regular access to the institutions, as is already *de facto* the case in Parliament;

17. Considers that, since lobbying practices continue to evolve over time, any rules regulating such practices must be flexible enough to adapt swiftly to change;

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18. Notes the Commission's draft code of conduct for interest representatives; reminds the Commission that Parliament has already had such a code in place for over 10 years and asks the Commission to negotiate with Parliament for the establishment of common rules; is of the opinion that any code should contain a strong monitoring element with regard to the conduct of lobbyists; stresses that sanctions should apply to lobbyists who breach the code of conduct; emphasises that sufficient resources (staff and funding) must be set aside for the purposes of verifying the information on the register; considers that for the Commission's register sanctions may include suspension from the register, and in more serious cases removal from the register; believes that once a common register is established, non-compliance by lobbyists should lead to sanctions in relation to access to all institutions to which the register applies;

19. Emphasises the need for the register to be user-friendly and easily accessible on the Internet: the public must be able to easily find and search the register, and it must include not only the names of the lobbying organisations but also the name of the individual lobbyists themselves;

20. Stresses that the register should contain separate categories in which lobbyists should be registered according to the type of interests they represent (e.g. professional associations, company representatives, trade unions, employers' organisations, law firms, NGOs, etc.);

21. Welcomes the Commission's decision to request that the requirement of financial disclosure by interest representatives joining the register apply to the following:

- 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;

22. Stresses that the requirement of financial disclosure must apply equally to all registered interest representatives;

23. Asks the abovementioned joint working group to propose specific criteria which would involve the requirement of financial disclosure, for example an indication of lobbying expenditure within meaningful parameters (exact figures would not be necessary);

24. Calls on the committee responsible to prepare any necessary amendments to Parliament's Rules of Procedure;

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25. Instructs its President to forward this resolution to the Council and the Commission.

White Paper on Sport

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European Parliament resolution of 8 May 2008 on the White Paper on Sport (2007/2261(INI))

(2009/C 271 E/07)

The European Parliament,

- having regard to Article 6 of the EU Treaty and Article 149 of the EC Treaty as amended by the Lisbon Treaty concerning the EU contribution to the promotion of European sporting issues while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function,
- having regard to the White Paper on Sport (COM(2007)0391),