



Transparency in European Public Affairs - Regulations and best practices

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The European Ombudsman

- The EO investigates cases of **maladministration** in the EU institutions, agencies, and bodies.
- In doing so, the Ombudsman also *promotes* **good administration**.

CASE HANDLING IN 2021

COMPLAINTS
HANDLED

2166

INQUIRIES
OPENED

338

The European Ombudsman

- The Ombudsman can also look proactively into wider **systemic issues** by means of strategic initiatives or inquiries.
- In 2016 the Commission organised a public consultation on several proposed reforms aimed at improving **the transparency register**. In this context, the Ombudsman opened a strategic initiative to monitor these developments.

- In her closing note, the Ombudsman welcomed the Commission initiative to create a rule by which no **senior meetings** with the Commission would take place with interest representatives unless they are listed in the transparency register.
- The Ombudsman also made a number of **suggestions** for further improvement, such as wider transparency on how interest representatives are funded (especially concerning front groups), more accuracy in the information provided at the time of registration, and that law firms that lobby declare who their clients are.

Do's and Don'ts

- To complement her suggestions to improve the transparency register, the Ombudsman published practical advice for EU civil servants on their interactions with interest representatives, the “**Do's and Don'ts**”.
- The Commission distributed and asked its staff to **follow these practical recommendations**. Parliament also advised its staff to follow them.

Do's and Dont's

- For example, public officials were recommended to check who funds interest representatives and what interests they represent before the meeting.
- Public officials were also recommended to ensure that interest representatives disclose, in advance, the meeting purpose/issue for discussion, the organisations or clients on whose behalf they act, as well as any other relevant information.

The transparency register

- The transparency register includes a section on **Financial data**.
- In this section, **consultancies must list the clients** whose interests they defend before the EU institutions in the current and closed financial year. We understand that this is also a requirement for law firms that provide interest representation services going beyond legal advice.
- Certain entities are not very detailed when it comes to their current clients.
- The Ombudsman is also concerned about the funding transparency of “front groups” and the donations they receive.

The transparency register

- The transparency register includes sections on **Memberships** and **Affiliations**.
- As far as we understand the situation, you should declare any entity, organisation, or company with whom you have a capital or functional link, and you should do that comprehensively.

“X is a member of several Networks such as...”.

Link to a website (that does not work)

The transparency register

- The Transparency Register includes a section with the “List of meetings with the European Commission” held by the registrant.
- Interest representatives must suggest a “**Subject of the meeting**” when requesting a meeting with the Commission. According to the Guidelines, this section should be brief, but meaningful.

Bad practice: “Meeting with the CEO of X”, “Working priorities of the new European Commission”.

Good practice: “The review of the Vertical Restraints Block Exemption, Digital Policy, notably the DSA and the DMA”.

The transparency register

- According to the Interinstitutional Agreement, registrants are ultimately responsible for the accuracy of the information they provide. The areas I have just described show, however, that there is room for improvement if we want to ensure the register fully reflects the activities and intentions of interest representatives.

Recap

- Inaccuracies may preclude public officials from following the “**Do’s and Don’ts**”, which in turn might hinder interest representatives’ chances to meet with them.

