

Lobbying in Brussels Update: Changes to the EU Joint Transparency Register

Three years after the EU replaced its ad hoc, voluntary registry with the Joint Transparency Register (JTR), the most recent JTR annual report, in late 2013, noted a 10 percent year-on-year increase in enrollment. In addition, the EU has taken significant steps toward monitoring the accuracy of information in the register and identifying unregistered parties.

The JTR is now estimated to include 75 percent of business-related entities engaged in lobbying activity and 60 percent of NGOs operating in Brussels, with more than 6,400 organizations registered.

Proposed Changes

The working group in charge of reviewing the JTR has proposed at least 30 changes to its procedures. Many of these may become law after the new European Parliament and European Commission take office on July 1 and Nov. 1, 2014, respectively. These suggestions include:

- Making enrollment with the JTR obligatory as of 2017;
- Allowing registered lobbyists to give their input to the European Commission and the European Parliament more easily;
- Requiring data disclosed by lobbying organizations to be peer-reviewed and creating a better system for outsiders to report inaccuracies and file complaints; and
- Removing noncompliant lobbyists from the database and denying them the privileges enjoyed by registered parties.

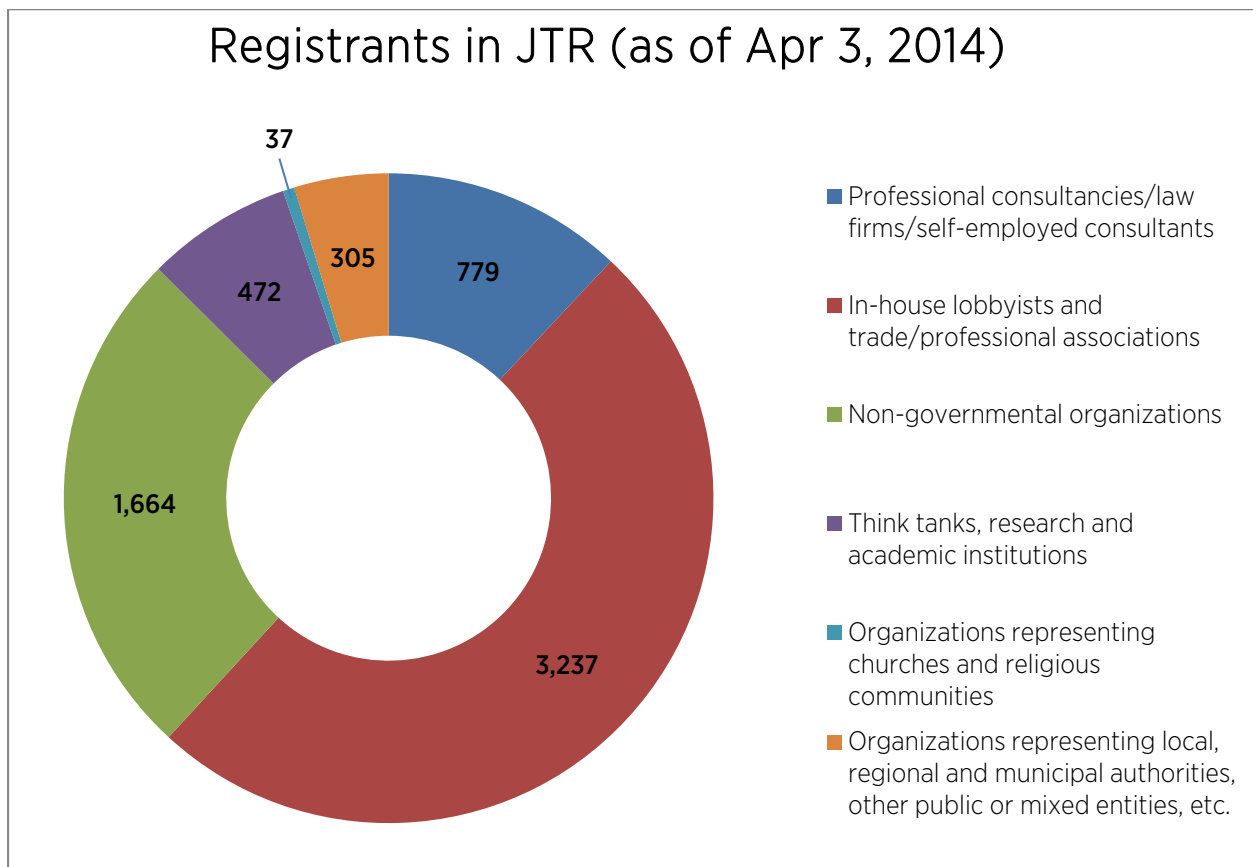
Background

The JTR is run by the Joint Transparency Register Secretariat (JTRS) and seeks to increase lobbying transparency by asking voluntary participants to agree to a Common Code of Conduct.

The core elements of the JTR are a pledge to accurately report participants' name, employer and interest(s) represented; and requirements to reveal their staff size, targeted legislative proposals, operating budget size and the amount of funding the organization spends on lobbying.

Covered activities now include any activity that could be interpreted as influencing policy issues, and sectors of interest are divided into six categories:

- Professional consultancies;
- In-house lobbyists/professional associations;
- Nongovernmental organizations;
- Think tanks/academic institutions;
- Religious organizations; and
- Public or municipal organizations.



At present, the JTR applies to both the European Parliament and the European Commission, but it has been implemented quite differently by the two.

- **European Parliament:** Although the JTR is a voluntary system, to receive a one-year access badge for the Parliament buildings in Brussels and Strasbourg, applicants must register in the JTR. However, members of Parliament and their staff can still invite anyone on an ad hoc basis, even if those individuals are not registered. There is no limit to the number of registered individuals an organization can have, but there can only be four representatives per organization on the premises of an EP building at any one time.

- **European Commission:** The Commission still favors a “light touch,” voluntary approach (partly because of the lack of legal basis for a compulsory JTR), and there are no JTR-related preconditions for lobbying or admittance to EC buildings. Commission officials are encouraged to meet only with individuals who are registered in the JTR, but this is neither regularly enforced nor systematically checked.
- **Council of Ministers:** The Council of Ministers has expressed interest in working within the bounds of the JTR but has not made any formal plans to do so. The reason for this has to do with the nature of the institution, the meeting spot for the 28 EU member state diplomats and governments. Because lobbying occurs at a given member state’s permanent representation in Brussels and not in the building where the Council’s policy and legislative meetings take place, the national rules of each country (rather than EU rules) apply.

Monitoring and Enforcement

Since 2012, the JTRS has conducted over 1,000 random quality checks. In the event of a discrepancy, an administrative investigation is conducted to identify any missing or false information, and the organization in question then has six weeks to submit the required information.

The new monitoring and enforcement framework is divided into three phases:

- **Quality Checks:** According to the 2013 annual report, nearly 800 organizations were found to be noncompliant, and 300 of these cases ended with the disbarment of the offending party.
- **Alerts:** Alerts are complementary to the quality checks but also involve identifying unregistered organizations that conduct applicable business at the EU.
- **Complaints:** Lastly, a formal complaint procedure was introduced to address intentional breaches of the Code of Conduct.

The JTR is freely available [online](#), and several watchdog groups publicly identify organizations that either fail to register or provide erroneous information. “Erroneous information” is often hard to define, especially when it comes to quantifying lobbying budgets. Does the salary of a staff member who travels to Brussels for an official meeting need to be included? What about advertisements in a local newspaper? Watchdog organizations tend to criticize the declared sums, as they often interpret calculations quite differently than the registrants themselves do.

As the 2014 EU elections approach and EU-U.S. trade negotiations heat up, enrollment in the JTR is a best practice for interest representation at the European Parliament and is recommended for effective public affairs management.

For more information about lobbying in the EU or global public affairs compliance, please contact [András Baneth](#) or [Jason Jarrell](#) at the Public Affairs Council.

Additional Resources

- [EU Joint Transparency Register website and annual reports](#)
- [Alliance for Lobbying Transparency and Ethics Regulation \(ALTER-EU\)](#)
- [Euractiv's synopsis of proposed JTR revisions](#)