

Public Consultation on a proposal for a mandatory Transparency Register

Fields marked with * are mandatory.

Public Consultation on a proposal for a mandatory Transparency Register

The European Commission seeks the views of all interested parties on the performance of the current Transparency Register for organisations and self-employed individuals engaged in EU policy-making and policy implementation and on its future evolution towards a mandatory scheme covering the European Parliament, the Council of the EU and the European Commission.

QUESTIONNAIRE

*

Are you responding as:

- An individual in my personal capacity
- The representative of an organisation registered in the [Transparency Register](#)
- The representative of an organisation not registered in the Transparency Register

*

Please provide your Register ID no:

71175716023-03

*

Name of the organisation:

JT International S.A.

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The organisation's head office is in:

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Germany
- Denmark
- Estonia
- Greece
- Spain
- Finland
- France
- Hungary
- Croatia
- Ireland
- Italy
- Lithuania
- Luxembourg
- Latvia
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Sweden
- Slovenia
- Slovak Republic
- United Kingdom
- Other country

*

*Your organisation belongs to the following type:

See a description of the below categories [here](#)

- Professional consultancies
- Law-firms
- Self-employed consultants
- Companies and groups
- Trade and business associations
- Trade unions and professional associations
- Other organisations including: event-organising entities (profit or non-profit making); interest-related media or research oriented entities linked to private profit making interests; ad-hoc coalitions and temporary structures (with profit-making membership)
- Non-governmental organisations, platforms, networks, ad-hoc coalitions, temporary structures and other similar organisations
- Think tanks and research institutions
- Academic institutions
- Organisations representing churches and religious communities
- Regional structures
- Other sub-national public authorities
- Transnational associations and networks of public regional or other sub-national authorities
- Other public or mixed entities, created by law whose purpose is to act in the public interest

Contact for this public consultation:

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Name

Mr. Ben Townsend, Vice-President, JTI EU Affairs Office

*

Surname

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A. GENERAL PART (7 questions)

1. Transparency and the EU

1.1 The EU institutions interact with a wide range of groups and organisations representing specific interests. This is a legitimate and necessary part of the decision-making process to make sure that EU policies reflect the interests of citizens, businesses and other stakeholders. The decision-making process must be transparent to allow for proper scrutiny and to ensure that the Union's institutions are accountable.

*

a) Do you agree that ethical and transparent lobbying helps policy development?

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

Principles of better regulation should be applicable to all stakeholders that participate in the regulatory process. Having the same requirements provides a level playing field for all stakeholders, granting them the same rights and obligations. A clear set of principles, rules, standards and procedures applying equally to all interested stakeholders gives public officials clear directions on how they are permitted to engage with lobbyists and at the same time, facilitate compliance with standards of professionalism and transparency thereby fostering a culture of transparency and integrity in lobbying.

The OECD lists transparency as one of the central pillars of sound regulation. Businesses need to be able to fully understand the regulatory environment in which they operate and to have a voice in regulatory decision making. Regulatory authorities should ensure that their regulatory processes take into consideration the views of all groups in society. Public participation in the regulatory process can help regulators understand stakeholders' needs and ensure that feedback about the design and effects of regulation is taken into account when preparing new regulation. Effective public participation improves the quality of regulation, increases the likelihood of compliance by building legitimacy of regulatory proposals and could reduce enforcement costs for European Union institutions, Member States and citizens. It also enhances transparency and accountability as interested parties gain access to detailed information on the potential effects regulation could have on them. Source: OECD (2009), Indicators of Regulatory Management systems, Regulatory Policy Committee Report.

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b) It is often said that achieving appropriate lobbying regulation is not just about transparency, i.e. shedding light on the way in which lobbyists and policy-makers are operating. Which of the below other principles do you also consider important for achieving a sound framework for relations with interest representatives?

More than one answer possible

- Integrity
- Equality of access
- Other (please elaborate in the comments box below)
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We believe that integrity and equality of access are essential principles for achieving a sound framework for relations with interest representatives. Without equality of access policy making risks becoming captured by certain “vested interests” to the detriment of effective public governance. Without integrity, trust in the decision making process would be eroded.

In the recently agreed Inter-Institutional Agreement on Better Law-Making, the European Parliament, the EU Council and the European Commission agreed to listen more closely to all stakeholders at every stage of the process - from the first idea to the adoption of legislation and its evaluation.

The above points are also highlighted in the OECD report “Lobbyists, Governments and Public Trust - Volume 3” (2014). This report identifies five key policy dimensions for action by governments seeking to invest in trust - integrity, fairness of public policy making, openness and inclusiveness, reliability and responsiveness. These policy dimensions - in particular integrity, fairness, openness and inclusiveness - are especially relevant to lobbying, where it is essential to ensure a level playing field for stakeholders who seek to make their views known during the decision-making process.

*

c) In your opinion, how transparent are the European institutions as public institutions?

- They are highly transparent
- They are relatively transparent
- They are not transparent at all
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We believe that European institutions are currently relatively transparent as public institutions. The proper implementation of the Inter-Institutional Agreement on Better Law-Making across the board of the European institutions coupled with the introduction of a mandatory Transparency Register would certainly further increase the level of transparency.

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1.2 The Transparency Register provides information to politicians and public officials about those who approach them with a view to influencing the decision-making and policy formulation and implementation process. The Register also allows for public scrutiny; giving citizens and other interest groups the possibility to track the activities and potential influence of lobbyists.

Do you consider the Transparency Register a useful tool for regulating lobbying?

- Very useful
- Somewhat useful
- Not useful at all
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

Currently we consider that the Transparency Register is a somewhat useful tool for regulating lobbying. This tool could become very useful assuming that:

1. It would become mandatory and will be used as a unique tool across the board of the EU Institutions;
2. All registered parties would properly use the tool in a transparent and ethical manner.

2. Scope of the Register

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2.1 Activities covered by the Register include lobbying, interest representation and advocacy. It covers all activities carried out to influence - directly or indirectly - policymaking, policy implementation and decision-making in the European Parliament and the European Commission, no matter where they are carried out or which channel or method of communication is used.

This definition is appropriate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

The OECD in its “Principles for Transparency and Integrity in Lobbying” states that definitions of “lobbying” and “lobbyists” need to be robust, comprehensive and sufficiently explicit to prevent loopholes and avoid misinterpretation. At the same time, they should balance the diversity, capacities and resources of lobbying entities with measures to improve transparency.

Overall, we take the view that the Transparency Register definition is, content wise, fit for purpose, nevertheless, the scope of a mandatory Transparency Register should apply to all European institutions.

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2.2 The Register does not apply to certain entities, for example, churches and religious communities, political parties, Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Regional public authorities and their representative offices do not have to register but can register if they wish to do so. On the other hand, the Register applies to local, municipal authorities and cities as well as to associations and networks created to represent them.

The scope of the Register should be:

- Changed to exclude certain types of entities (please elaborate in the comments box below)
- Changed to include certain types of entities (please elaborate in the comments box below)
- Preserved the same as currently
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

As detailed in our response above in 1.2 and 2.1, we believe that the scope of the Transparency Register should be enlarged to include all European institutions.

3. Register website

3.1 What is your impression of the Register [website](#)?

	Good	Average	Poor	No opinion
*Design and structure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Availability of information / documents	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Ease of search function	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Accessibility (e.g. features for visually impaired persons, ease of reading page)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Access via mobile devices	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

In sum, the Register website is a sufficiently effective tool to work with and broadly achieves the desired objectives. Some information/documents are not always available or uploaded in a timely manner but this is a reflection point for the registered parties to address.

4. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

3000 character(s) maximum

If you wish you may provide additional information (position papers, reports, etc) in support of your answers to this public consultation. Please upload no more than three files of up to 1Mb each. Attachments above this number will not be considered.

Attach files

End of Part A

Part B includes questions that require a certain knowledge of the Transparency Register. Proceed to Part B (optional).

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Do you want to proceed to Part B ?

- Yes
- No

B. SPECIFIC PART (13 questions)

1. Structure of the Register

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1.1 The Register invites organisations to sign up under a particular section, for example, professional consultancies, NGOs, trade associations, etc (Annex I of the [Interinstitutional Agreement](#)). Have you encountered any difficulties with this categorisation?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

2. Data disclosure and quality

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2.1 Entities joining the Register are asked to provide certain information (contact details, goals and remit of the organisation, legislative dossiers followed, fields of interest, membership, financial data, etc) in order to identify the profile, the capacity of the entity and the interest represented (Annex I of the [Interinstitutional Agreement](#)).

The right type of information is required from the registrant:

- Fully agree
- Too much is asked
- Too little is asked
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

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2.2 It is easy to provide the information required:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

*

2.3 Do you see any room for simplification as regards the data disclosure requirements?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

The data disclosure requirements should be fully compliant with the relevant EU legislation ensuring the protection of private data and the commercially sensitive information of business interests. They should also reflect internationally agreed best practice.

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2.4 What is your impression of the overall data quality in the Register:

- Good
- Average
- Poor
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We believe that in order to achieve good quality data across the board, registered parties need to upload and update relevant information as per the specified timetable and in an ethical manner. As things stand, the information uploaded does not always accurately reflect the current state of play. We would welcome that the recommendations provided under "Point 5.1.13. How often do I have to update my data?" of the Transparency Registry guidelines are respected by all registries and that this is regularly checked by the Joint Transparency Register Secretariat (JTRS).

3. Code of Conduct and procedure for Alerts and Complaints

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3.1 The Code of Conduct sets out the rules for all those who register and establishes the underlying principles for standards of behaviour in all relations with the EU institutions (Annex III of the [Interinstitutional Agreement](#)).

The Code is based on a sound set of rules and principles:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

3.2 Anyone may trigger an alert or make a complaint about possible breaches of the Code of Conduct. Alerts concern factual errors and complaints relate to more serious breaches of behavioural nature (Annex IV of the Interinstitutional Agreement).

*

a) The present procedure for dealing with alerts and complaints is adequate:

- Fully agree
- Partially agree
- Disagree
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We have not made, nor have been subjected to any alert or complaint procedure. Our comment can therefore only theoretically address such procedures as they are described in Annex IV of the Inter-Institutional Agreement. In that respect, existing rights of registered parties should be maintained during the procedure, which should follow time and content wise existing EU best practices and it seems to us reasonable that the right of the defendant parties should be enhanced and include a more significant right of defense including the possibility to meet, at its request, the JTRS case handler(s) and have the right of a formal hearing, in case of a complaint, before any decision is made. Given the possible severe consequences of a complaint, we believe that such a step is necessary to ensure proportionate and fair JTRS determinations.

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b) Do you think that the names of organisations that are suspended under the alerts and complaints procedure should be made public?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

We believe that a decision should only be made public once a final determination has been made. An interim measure, such as a temporary suspension, should not be made public until it becomes a final determination after all rights of appeal are exhausted. Such an approach will ensure that the general public is informed only about confirmed decisions and not about a series of interim measures which are, by nature, subject to (sometimes rapid) change.

4. Register website – registration and updating

4.1 How user-friendly is in your opinion the Register [website](#) in relation to registration and updating?

	Straightforward	Satisfactory but can be improved	Cumbersome	No opinion
*Registration process	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Updating process (annual & partial)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

5. Current advantages linked to registration

5.1 The European Parliament and the European Commission currently offer certain practical advantages (incentives) linked to being on the Register. The Commission has also announced its intention to soon amend its rules on Expert groups to link membership to registration. Which of these advantages are important to you?

In the European Parliament (EP)

	Very important	Somewhat important	Not important	No opinion
<p>*Access to Parliament buildings : long-term access passes to the EP's premises are only issued to individuals representing, or working for registered organisations</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Committee public hearings: guests invited to speak at a hearing need to be registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Parliament does not grant its patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the European Commission

	Very important	Somewhat important	Not important	No opinion
<p>*Meetings: organisations or self-employed individuals engaged in relevant activities must be registered in order to hold meetings with Commissioners, Cabinet members and Directors-General</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Public consultations: the Commission sends automatic alerts to registered entities about consultations in areas of interest indicated by them; it differentiates between registered and non-registered entities when publishing the results</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Patronage: Commissioners do not grant their patronage to relevant organisations that are not registered</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Mailing lists: organisations featuring on any mailing lists set up to alert them about certain Commission activities are asked to register</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>*Expert groups: registration in the Transparency Register is required in order for members to be appointed (refers to organisations and individuals appointed to represent a common interest shared by stakeholders in a particular policy area)</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or suggestions (Optional)

3000 character(s) maximum

In addition we consider the following potential incentives:

- The register is used as a directory for all stakeholders in Brussels
- Public consultations: sending automatic alerts to registered entities about consultations in areas of interest indicated by them; differentiating between registered and non-registered entities when publishing the results
- Mailing lists: relevant organizations featuring on any mailing lists set up to inform or alert their members about certain Commission activities or initiatives should be asked to register

6. Features of a future mandatory system

*

6.1 Do you believe that there are further interactions between the EU institutions and interest groups that could be made conditional upon prior registration (e. g. access to MEPs and EU officials, events, premises, or featuring on specific mailing lists)?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

*

6.2 Do you agree with the Commission's view that the Council of the EU should participate in the new Interinstitutional Agreement on a mandatory Register?

- Yes
- No
- No opinion

Comments or suggestions (Optional)

3000 character(s) maximum

7. Looking beyond Brussels

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7.1 How does the Transparency Register compare overall to 'lobby registers' at the EU Member State level?

- It is better
- It is worse
- It is neither better, nor worse
- No opinion

Good practices or lessons learned at the EU Member State level to be considered, or pitfalls to be avoided. (Optional)

4000 character(s) maximum

Many countries have decided to implement lobbying rules and guidelines with registers as a key component of their transparency schemes. Indeed, most countries that regulate lobbying now use lobbyist registers as platforms for managing disclosed information (Source: OECD Lobbyists, Governments and Public Trust, Volume 3, 2014).

8. Additional comments

Final comments or ideas on any additional subjects that you consider important in the context of this public consultation (Optional)

3000 character(s) maximum

*Publication of your consultation

- I agree to my contribution being published.
- I do not agree to my contribution being published.

[Specific privacy statement](#)

Useful links

[Read more on the public consultation homepage](#)

(http://ec.europa.eu/transparency/civil_society/public_consultation_en.htm)

Contact

SG-TRANSPARENCY-REGISTER-PUBLIC-CONSULTATION@ec.europa.eu
