



**Joint Transparency Register
Secretariat**



Brussels,

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Subject: Code of Conduct for persons carrying on lobbying activities

Dear Ms Perreault,

Thank you for including the Joint Transparency Register Secretariat in your public consultation on your new 'Code of Conduct for persons carrying on lobbying activities.' In this context, we are pleased to share some of our experience in applying our own Code of Conduct.

As you know, a registration in the Transparency Register, run jointly by the European Parliament and the European Commission, is mandatory only in specific cases, for example, when interest representatives wish to obtain long-term access to Parliament's premises or meet with a Commissioner. As a result, as a secretariat we must rely on the cooperation of registrants to address issues brought to our attention.

Abiding by the Code of Conduct is part and parcel of registration and certain provisions on the enforcement of this Code are set out in the Interinstitutional Agreement (namely, its Annex IV). We attach the relevant document for ease of reference.

For practical reasons, we aim to – and in the vast majority of cases succeed – to solve issues related to factual errors in the data submitted by the registrants (point (d) of our Code of Conduct) by means of an 'alert' procedure. This essentially means taking contact with the registrant and giving them a reasonable deadline to rectify the data or provide a convincing explanation for the issue.

We have found that enforcement/follow-up to complaints about ‘undue pressure’ or ‘inappropriate behaviour’ (point (b) of our Code of Conduct) may be challenging due to the vagueness of those very notions paired with the lack of nuanced set of sanctions in Annex IV that could be proportionately matched with those different types of alleged violations.

We mention these points in reference to your draft Code of Conduct, for example, Article 5 ‘persons...should not knowingly make misleading, exaggerated or extravagant claims about...’ or Article 7 ‘avoiding improper influence’, and in order to point to difficulties we have experienced with similar wording.

This being said, an overreliance on definitions may not be always helpful either. What we have learned is that any provision of a Code of Conduct, in particular in this area, needs to be imbued with life through its application to real cases. It is through that experience that a public administration is able to best develop a Code of Conduct ‘case-law’ and enforcement policy.

We hope your consultation will bear fruit and allow you to obtain a sound and effective Code of Conduct. We are of course always at your disposal for any further questions.

Finally, please find attached our Annual Report for 2017, where we give further details on the way we deal with alerts and complaints in the section ‘Monitoring of data in the Transparency Register.’

Yours sincerely,



Martin Kröger
Coordinator of the Joint Transparency Register
Secretariat

Enclosures (2): Interinstitutional Agreement on the Transparency Register
Annual Report on the operations of the Transparency Register 2017