

Delegations will find attached a note with a view to the approval of a negotiating mandate on the Inter-Institutional Agreement on a mandatory Transparency Register.

1. On 28 September 2016, the Commission presented its proposal for a new tripartite Interinstitutional Agreement (IIA) on a mandatory Transparency Register[[1]](#footnote-1), in order to replace the current voluntary register, in which the Council does not participate[[2]](#footnote-2). The purpose of the proposal is to establish a framework for transparent interactions between the EU institutions and interest representatives.

2. In the new Commission proposal, the registration of interest representatives in the Transparency Register is considered as a precondition for their interactions with certain decision makers in the EU institutions ('no registration - no meeting' principle), in line with the internal rules that the Commission had introduced for itself in 2014.

3. Between September 2016 and December 2017, the General Affairs Group (GAG) discussed the Commission's proposal at a series of meetings[[3]](#footnote-3), with a focus on the possible Council participation in the new IIA and asked for an opinion from the Council Legal Service (CLS)[[4]](#footnote-4). Delegations showed willingness to explore practical solutions for an effective and legally sound participation of the Council.

4. In April 2017, delegations decided to continue the discussions, in line with the CLS opinion, on the basis of a new articulation of the elements of the Commission's proposal into two different legal instruments, and with a view to a meaningful participation of the Council.

5. Therefore, in July 2017, GAG started parallel discussions on the one hand on a draft Council decision, identifying the Council's possible conditional interactions with interest representatives, with a code of conduct for them in annex, and on the other hand on an IIA, setting up the Transparency Register and defining its functioning. The Code of Conduct is intended to be adopted by the three institutions in identical wording. The decisions and the IIA are part of a single political package.

6. Following intensive work under the Estonian Presidency, at the GAG meeting on 1 December 2017, delegations reached agreement on a package of two instruments: an IIA (amended Commission proposal with Annexes) and a Council decision (new document with the Code of Conduct as its Annex). This set of documents represents the Council draft negotiating mandate, to be submitted for approval by the Permanent Representatives Committee.

7. It is therefore suggested that the Permanent Representatives Committee approve the Council draft negotiating mandate for the interinstitutional negotiations of the IIA on a mandatory Transparency Register, as set out in the documents annexed to this note, and to make these documents public.

**Annexes:**

1. 15332/17 - amended Commission proposal on an Inter-Institutional Agreement on mandatory Transparency Register, with Annexes;

2. 15336/17 - Draft Council Decision on the regulation of interactions between officials of the General Secretariat of the Council and interest representatives, with annexed code of conduct.

1. 12882/16. [↑](#footnote-ref-1)
2. In 2011, the Commission and the European Parliament signed an IIA establishing a common Transparency Register, providing for voluntary registration of lobbyists, which was revised in 2015. Following internal discussions, the Council decided not to participate, but made a unilateral statement, expressing its support. [↑](#footnote-ref-2)
3. Under the Slovak, Maltese and Estonian Presidencies. [↑](#footnote-ref-3)
4. 5151/1/17. [↑](#footnote-ref-4)