

CLUSTER 3 - Articles 8, 9, 11, 14 + recitals DRAFT

Commission	Parliament	Council	Compromise(s)
Article 8 - Management Board of the register			
1) The Management Board of the register shall consist of the Secretaries-General of the three institutions.	1) The Management Board of the register shall consist of the Secretaries-General of the three institutions, <i>who shall chair it on a rotating basis.</i>	1) The Management Board of the register shall consist of the Secretaries-General of the three institutions.	
2) The Management Board shall: <ul style="list-style-type: none"> oversee the overall implementation of this agreement by the Secretariat and issue general instructions to that effect; 	2) The Management Board shall: <ul style="list-style-type: none"> oversee the overall implementation of this agreement by the Secretariat and issue general instructions to that effect <i>as well as decide the duration of the rotating coordination of the Secretariat;</i> 	2) The Management Board shall: <ul style="list-style-type: none"> oversee the overall implementation of this agreement by the Secretariat and issue general instructions to that effect; 	
<ul style="list-style-type: none"> approve the rules of procedure of the Secretariat; 	<ul style="list-style-type: none"> approve the rules of procedure of the Secretariat; 	<ul style="list-style-type: none"> approve the rules of procedure of the Secretariat; 	
<ul style="list-style-type: none"> approve the issuance of guidelines as provided for in Article 9(4); 	<ul style="list-style-type: none"> approve the issuance of guidelines <i>for registrants</i> as provided for in Article 9(4); 	<ul style="list-style-type: none"> approve the issuance of guidelines as provided for in Article 9(4); 	
<ul style="list-style-type: none"> examine and decide upon reasoned requests for review, submitted by registrants, of the Secretariat's decisions as laid down in Annex IV to this agreement; 	<ul style="list-style-type: none"> examine and decide upon reasoned requests for review, submitted by registrants, of the Secretariat's decisions as laid down in Annex IV to this agreement; 	<ul style="list-style-type: none"> examine and decide upon reasoned requests for review, submitted by registrants, of the Secretariat's decisions <i>on applications for registration and on measures adopted in</i> 	

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		<i>accordance with</i> as laid down in Annex I/IV to this agreement	
– accept notifications for voluntary involvement under Articles 12 and 13 of the agreement;	– accept notifications for voluntary involvement under Articles 12 and 13 of the agreement;	– accept notifications for voluntary involvement under Articles 12 and 13 of the agreement;	
	– <i>publish an annual report on the operations of the register and forward it to the Parliament.</i>		
3) The Management Board shall decide by consensus.	3) The Management Board shall decide by consensus.	3) The Management Board shall decide by consensus.	
4) The Management Board may adopt rules of procedure governing the exercise of its responsibilities.	4) The Management Board may adopt rules of procedure governing the exercise of its responsibilities.	4) The Management Board may adopt rules of procedure governing the exercise of its responsibilities.	
	<i>Article 8 a) Independent Observer</i>		
	<i>1) The Management Board shall benefit from the expertise and experience of an independent observer in order to ensure that operations guarantee the equal and fair treatment of all registrants and the proper implementation of this agreement.</i>		

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	<p><i>2) The three institutions shall appoint the fourth member of the Management Board as an observer, by common agreement, for a mandate of five years, renewable once.</i></p> <p><i>The observer shall be selected on the basis of their professional experience. The observer shall neither be a Member of the European Parliament, the Council or the Commission, nor hold any electoral mandate, be an official or other servant of the European Union. The observer shall refrain from any act which is incompatible with the nature of their task and duties.</i></p>		
	<p><i>3) The independent observer shall participate in deliberations and advise the Board in particular on the handling of complaints and appeals (Annex IV), without right of vote.</i></p>		
Article 9 - The Secretariat of the register			
1) The Secretariat is a joint operational structure made up of a	1) The Secretariat is a joint operational structure made up of a	1) The Secretariat is a joint operational structure made up of a	

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Coordinator and the members of the Secretariat, which reports directly to the Management Board.	Coordinator and the members of the Secretariat, which reports directly to the Management Board.	Coordinator and the members of the Secretariat, which reports directly to the Management Board.	
<p>2) The Secretariat shall operate under the coordination of an official in the Secretariat-General of the European Commission ('the Coordinator'). The members of the Secretariat shall be staff of the European Parliament, the Council and the European Commission seconded to the Secretariat by their respective institutions.</p> <p>The Coordinator shall assume the overall responsibility for the work of the Secretariat and oversee the day-to-day operations.</p>	<p>2) The Secretariat shall operate under the coordination of an official in the Secretariats-General of the European Commission three institutions ('the Coordinator') on a rotating basis. The members of the Secretariat shall be staff of the European Parliament, the Council and the European Commission seconded to the Secretariat by their respective institutions. The duration of the rotation shall be aligned with that of the Management Board.</p> <p>The Coordinator shall assume the overall responsibility for the work of the Secretariat and oversee the day-to-day operations.</p>	<p>2) The Secretariat shall operate under the coordination of an official in the Secretariat-General of the European Commission ('the Coordinator'). The members of the Secretariat shall be staff of the European Parliament, the Council and the European Commission seconded to the Secretariat by their respective institutions.</p> <p>The Coordinator shall assume the overall responsibility for the work of the Secretariat and oversee the day-to-day operations.</p>	
<p>3) The main tasks of the Secretariat shall be:</p> <ul style="list-style-type: none"> – drafting the rules of procedure of the Secretariat, for approval by the Management Board; 	<p>3) The main tasks of the Secretariat shall be:</p> <ul style="list-style-type: none"> – drafting the rules of procedure of the Secretariat, for approval by the Management Board; 	<p>3) The main tasks of the Secretariat shall be:</p> <ul style="list-style-type: none"> – drafting the rules of procedure of the Secretariat, for approval by the Management Board; 	
<ul style="list-style-type: none"> – reporting to the Management Board on the overall 	<ul style="list-style-type: none"> – reporting to the Management Board on the overall 	<ul style="list-style-type: none"> – reporting to the Management Board on the overall 	

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implementation of this agreement;	implementation of this agreement;	implementation of this agreement;	
– monitoring the content of the register and ensuring that only eligible applicants are registered with the aim to achieve an optimal level of data quality in the register, with the understanding, however, that registrants are ultimately responsible for the accuracy of the information they have provided;	– monitoring the content of the register and ensuring that only eligible applicants are registered with the aim to achieve an optimal level of data quality in the register, with the understanding, however, that registrants are ultimately responsible for the accuracy of the information they have provided;	– monitoring the content of the register and ensuring that only eligible applicants are registered with the aim to achieve an optimal level of data quality in the register, with the understanding, however, that registrants are ultimately responsible for the accuracy of the information they have provided;	
– providing helpdesk support to registrants, the three institutions and any entities participating on a voluntary basis pursuant to Articles 12 and 13;	– providing helpdesk support to registrants, the three institutions and any entities participating on a voluntary basis pursuant to Articles 12 and 13;	– providing helpdesk support to registrants, the three institutions and any entities participating on a voluntary basis pursuant to Articles 12 and 13;	
– carrying out investigations, removing registrations and adopting measures in accordance with Annex IV to this agreement;	– carrying out investigations, removing registrations and adopting measures in accordance with Annex IV to this agreement;	– carrying out investigations, removing registrations and adopting measures in accordance with Annex IIA to this agreement;	
– organising awareness-raising actions;	– setting out a common communication strategy and organising awareness-raising actions;	– organising awareness-raising actions;	

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– producing an annual report for the preceding calendar year;	– producing an annual report for the preceding calendar year <i>(referred to in Article 8.2) to be submitted to the Management Board, with factual information about the register, its content and its evolution as well as any measures adopted in accordance with Annex IV to this agreement;</i>	– producing an annual report for the preceding calendar year;	
– ensuring the development and maintenance of the register website and online registration form, as well as other related IT resources;	– ensuring the development and maintenance of the register website, the and online registration forms, as well as other related IT resources;	– ensuring the development and maintenance of the register website and online registration form, as well as other related IT resources;	
– exchanging good practice and experience in transparency of interest representation with similar bodies;	– exchanging good best practice and experience in transparency of interest representation with similar bodies;	– exchanging good practice and experience in transparency of interest representation with similar bodies;	
– carrying out any other activities necessary for the implementation of the present agreement.	– carrying out any other activities necessary for the implementation of the present agreement.	– carrying out any other activities necessary for the implementation of the present agreement.	
	– <i>maintaining regular stakeholder dialogue in order to provide guidance on the</i>		

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	<i>implementation of this agreement.</i>		
4) The Secretariat may propose for the approval of the Management Board guidelines for registrants to ensure the consistent application of Articles 2 to 6 (definitions, activities, bodies not covered, interactions conditional upon registration, eligibility and registration of applicants), as well as of the annexes of this agreement.	4) The Secretariat may propose for the approval of the Management Board guidelines for registrants to ensure the consistent application of Articles 2 to 6 (definitions, activities, bodies not covered, interactions conditional upon registration, eligibility and registration of applicants), as well as of the annexes of this agreement.	4) The Secretariat may propose for the approval of the Management Board guidelines for registrants to ensure the consistent application of Articles 2 to 6 (definitions, activities, bodies not covered, interactions conditional upon registration, eligibility and registration of applicants), as well as of the annexes of this agreement and of the code of conduct.	
Article 11 - Resources			
1) The three institutions shall ensure that the Secretariat has at its disposal the human, administrative and financial resources required for the proper implementation of its tasks.	1) The three institutions shall ensure that the Secretariat has at its disposal the adequate human, administrative and financial resources required for the proper implementation of its tasks.	1) The three institutions shall ensure that the Secretariat has at its disposal the human, administrative and financial resources required for the proper implementation of its tasks.	
2) The three institutions shall provide the necessary human resources to the Secretariat, in case of the European Parliament and the Council of the European Union by means of a secondment to the	2) The three institutions shall provide an equal share of the necessary human resources to the Secretariat, in case of the European Parliament and the Council of the European Union, a secondment to	2) The three institutions shall provide the necessary human resources to the Secretariat, in case of the European Parliament and the Council of the European Union by means of a secondment to the	

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Commission pursuant to Articles 37(a) and 38 of the Staff Regulations of the Officials of the European Communities.	the Commission pursuant to Articles 37(a) and 38 of the Staff Regulations of the Officials of the European Communities.	Commission pursuant to Articles 37(a) and 38 of the Staff Regulations of the Officials of the European Communities.	
3) The three institutions contribute equally to the functioning of the Secretariat and the register. They shall conclude a separate agreement detailing the arrangements regarding their contributions to the administrative and financial resources of the Secretariat.	3) The three institutions contribute equally to the functioning of the Secretariat and the register. They shall conclude a separate agreement detailing the arrangements regarding their contributions to the administrative and financial resources of the Secretariat.	3) The three institutions contribute equally to the functioning of the Secretariat and the register. They shall conclude a separate agreement detailing the arrangements regarding their contributions to the administrative and financial resources of the Secretariat.	
Article 14 - Final and transitional provisions			
1) This interinstitutional agreement is of a binding nature for the signatory institutions.	1) This interinstitutional agreement is of a binding nature for the signatory institutions.	1) This interinstitutional agreement is of a binding nature for the signatory institutions.	
2) This agreement shall replace the agreement between the European Parliament and the European Commission of 16 April 2014 whose effects shall cease to apply on the date of application of this agreement.	2) This agreement shall replace the agreement between the European Parliament and the European Commission of 16 April 2014 whose effects shall cease to apply on the date of application of this agreement.	2) This agreement shall replace the agreement between the European Parliament and the European Commission of 16 April 2014 whose effects shall cease to apply on the date of application of this agreement.	
3) This agreement shall enter into force on the twentieth day following that of its publication in the Official	3) This agreement shall enter into force on the twentieth day following that of its publication in the Official	3) This agreement shall enter into force on the twentieth day following that of its publication in the Official	

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Commission	Parliament	Council	Compromise(s)
Journal of the European Union. It shall apply from [xx xx xxxx].	Journal of the European Union. It shall apply from [xx xx xxxx].	Journal of the European Union. It shall apply from [xx xx xxxx].	
4) Interest representatives registered at the date of application of this agreement shall amend their registration to satisfy the new requirements resulting from this agreement within a period of six months following that date.	4) Interest representatives registered at the date of application of this agreement shall amend their registration to satisfy the new requirements resulting from this agreement within a period of six months following that date, <i>in order to remain in the register.</i>	4) Interest representatives registered at the date of application of this agreement shall amend their registration to satisfy the new requirements resulting from this agreement within a period of six months following that date.	
5) Any investigations following alerts and complaints opened under the agreement between the European Parliament and the European Commission of 16 April 2014 shall be carried out under the procedure of that agreement.	5) Any investigations following alerts and complaints opened under the agreement between the European Parliament and the European Commission of 16 April 2014 shall be carried out under the procedure of that agreement.	5) Any investigations following alerts and complaints opened under the agreement between the European Parliament and the European Commission of 16 April 2014 shall be carried out under the procedure of that agreement.	
6) This agreement shall be subject to a review four years after its entry into force.	6) This agreement shall be subject to a review four years after its entry into force <i>one year after the election of the Parliament's Bureau.</i>	6) This agreement shall be subject to a review four years after its entry into force.	
Proposal for a Interinstitutional Agreement on a mandatory Transparency Register			
THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION	THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION	THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION	

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Having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 295 thereof, and the Treaty establishing the European Atomic Energy Community (EURATOM), in particular Article 106a thereof, Whereas:	Having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 295 thereof, and the Treaty establishing the European Atomic Energy Community (EURATOM), in particular Article 106a thereof, Whereas:	Having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 295 thereof, and the Treaty establishing the European Atomic Energy Community (EURATOM), in particular Article 106a thereof, Whereas:	
(1) The European Parliament, the Council of the European Union and the European Commission ('the three institutions') maintain an open, transparent and regular dialogue with representative associations and civil society in accordance with the Treaty on European Union (TEU), in particular Article 11(1) and (2) thereof.	(1) The European Parliament, the Council of the European Union and the European Commission ('the three institutions') maintain an open, transparent and regular dialogue with representative associations and civil society in accordance with the Treaty on European Union (TEU), in particular Article 11(1) and (2) thereof.	(1) The European Parliament, the Council of the European Union and the European Commission ('the three institutions') maintain an open, transparent and regular dialogue with representative associations and civil society in accordance with the Treaty on European Union (TEU), in particular Article 11(1) and (2) thereof.	
(2) This openness allows for all stakeholders to present their views on decisions that may affect them and hence contribute effectively to the evidence base on which policy proposals are made. Engaging with stakeholders enhances the quality of decision-making by providing channels for the input of external views and expertise.	(2) This openness allows for all stakeholders to present their views on decisions that may affect them and hence contribute effectively to the evidence base on which policy proposals are made. Engaging with stakeholders enhances the quality of decision-making By providing channels for the input of external views and expertise and by engaging with stakeholders, the	(2) This openness allows for all stakeholders to present their views on decisions that may affect them and hence contribute effectively to the evidence base on which policy proposals are made. Engaging with stakeholders enhances the quality of decision-making by providing channels for the input of external views and expertise.	

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	<i>quality of decision-making is enhanced.</i>		
(3) The three institutions affirm that transparency and accountability are essential to maintain the trust of European citizens in the legitimacy of the political, legislative and administrative processes in the Union.	(3) The three institutions affirm that transparency and accountability are essential to maintain the trust of European citizens in the legitimacy of the political, legislative and administrative processes in the Union.	(3) The three institutions affirm that transparency and accountability are essential to maintain the trust of European citizens in the legitimacy of the political, legislative and administrative processes in the Union.	
(4) Transparency of interest representation is especially important in order to allow citizens to follow the activities and potential influence of interest representatives. The three institutions consider that such transparency is best ensured by a Code of Conduct which contains the rules and principles applicable to interest representatives signing up to a Transparency Register and, thereby, to the Code.	4) Transparency of interest representation is especially important in order to allow citizens to follow the activities and potential influence of interest representatives. The three institutions consider that such transparency is best ensured by a Code of Conduct which contains the rules and principles applicable to interest representatives signing up to a the Transparency Register (hereinafter “the register”) and, thereby, to the Code.	(4) Transparency of interest representation is especially important in order to allow citizens to follow the activities and potential influence of interest representatives. The three institutions consider that such transparency is best ensured by a Code of Conduct established by each institution and which contains the uniform rules and principles applicable to interest representatives that decide to signing up to a common Transparency Register. and, thereby, to the Code.	
(5) In view of the positive experience with the Transparency Register for organisations and self-employed individuals engaged in EU	(5) In view of the positive experience with the Transparency Register for organisations and self-employed individuals engaged in EU	(5) In view of the positive experience with the Transparency Register for organisations and self-employed individuals engaged in EU	

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policy-making and policy implementation established by the agreement of the European Parliament and the European Commission of 16 April 2014, the three institutions consider that such an agreement should be extended in an appropriate way.	policy-making and policy implementation established by the agreement of the European Parliament and the European Commission of 16 April 2014, the three institutions consider that such an agreement should be extended in an appropriate way enhanced by introducing the principle of conditionality.	policy-making and policy implementation established by the agreement of the European Parliament and the European Commission of 16 April 2014, the three institutions consider that such an agreement should be extended in an appropriate way.	
(6) The three institutions recognise the necessity to establish a mandatory Transparency Register ('the register') by making certain types of interactions with them conditional upon prior registration, thereby making registration a de facto precondition for interest representation, and thus ensuring that such representation occurs according to the rules and principles enshrined in the Code of Conduct.	(6) The three institutions recognise the necessity to establish a mandatory that a Transparency Register ('the register') which by makes ing certain types of interactions with them conditional upon prior registration, thereby making registration a de facto precondition mandatory precondition for interest representation activities, and thus would ensure ing that such representation occurs according to the rules and principles enshrined in the Code of Conduct for interest representatives.	6) The three institutions recognise the necessity to establish a mandatory Transparency Register ('the register') by making certain types of interactions with them conditional upon prior registration, thereby making registration a de facto precondition for interest representation, and thus ensuring that such representation occurs according to the rules and principles enshrined in the Code of Conduct.	
(7) The three institutions respond hereby to the need to adopt as swiftly as possible an interinstitutional agreement	(7) The three institutions respond hereby to the need to adopt as swiftly as possible an interinstitutional agreement	(7) The three institutions respond hereby to the need to adopt as swiftly as possible an interinstitutional agreement	

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establishing a mandatory register, in accordance with the European Parliament's resolution of 28 April 2016 on public access to documents.	establishing a mandatory register, in accordance with the European Parliament's resolution of 28 April 2016 on public access to documents.	establishing a mandatory Transparency register, in accordance with the European Parliament's resolution of 28 April 2016 on public access to documents.	
(8) The operation of this register shall not impinge on the competences of any of the three institutions or affect their respective internal organisational powers, without prejudice to the agreement they shall conclude in respect of the modalities on their contributions to the administrative and financial resources of the Secretariat of the register.	(8) The operation of this register shall not impinge on the competences of any of the three institutions or affect their respective internal organisational powers, without prejudice to the agreement they shall conclude in respect of the modalities on their contributions to the administrative and financial resources of the Secretariat of the register.	(8) The operation of this register shall not impinge on the competences of any of the three institutions or affect their respective internal organisational powers, without prejudice to the agreement they shall conclude in respect of the modalities on their contributions to the administrative and financial resources of the Secretariat of the register.	
(9) The three institutions shall act in mutual sincere cooperation in implementing this agreement.	(9) The three institutions shall act in mutual sincere cooperation in implementing this agreement.	(9) The three institutions shall act in mutual sincere cooperation in implementing this agreement.	
(10) Any of the three institutions may pursue other good governance and transparency policies outside the framework of this agreement to the extent that such policies do not interfere with the implementation and the objectives pursued by this agreement.	(10) Any of the three institutions may pursue other good governance and transparency policies outside the framework of this agreement to the extent that such policies do not interfere with the implementation and the objectives pursued by this agreement.	(10) Any of the three institutions may pursue other good governance and transparency policies outside the framework of this agreement to the extent that such policies do not interfere with the implementation and the objectives pursued by this agreement.	

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			<p><i>* The three institutions agreed on 22/02 to explore the possibility of inserting a new recital for further clarification regarding public bodies. The proposed text of the draft new recital:</i></p> <p>[Whereas public authorities of the Member States as well as any association of public authorities at the European, national or subnational level, acting on behalf of public bodies should be exempted from registration; whereas networks and associations of public authorities at the European, national or sub-national level engage in interest representation activities covered by the Register should register;]</p>
	<p><i>(10a) The parties have reviewed the register established by the Agreement between the European Parliament and the European Commission of 16 April 2014 on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation,</i></p>	<p><i>11) In line with the objective to promote transparent and ethical interactions with interest representatives, the three institutions should encourage other Union institutions, bodies, offices and agencies to use the regulatory framework established by this interinstitutional agreement.</i></p>	

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	<i>pursuant to paragraph 37 of that agreement.</i>		
	<i>(10b) This agreement applies to the three institutions, it nonetheless remains open to the voluntary participation of other bodies.</i>	<i>12) The signatory institutions should encourage Member States, in exercising their competence, to promote transparent and ethical interactions with interest representatives that seek to influence the way national authorities participate in EU decision making. The regulatory framework established by this interinstitutional agreement can be effectively used for this purpose.</i>	
(11) The agreement shall be without prejudice to the exercise of rights under Article 11(4) TEU (European citizens' initiative) and Article 227 TFEU (the right to petition the European Parliament), AGREE AS FOLLOWS:	(11) The agreement shall be without prejudice to the exercise of rights under Article 11(4) TEU (European citizens' initiative) and Article 227 TFEU (the right to petition the European Parliament), AGREE AS FOLLOWS:	(11 3) The agreement shall be without prejudice to the exercise of rights under Article 11(4) TEU (European citizens' initiative) and Article 227 TFEU (the right to petition the European Parliament), AGREE AS FOLLOWS:	