Council of the European Union

Brussels, 16 June 2025
(OR. en)

9646/25

Interinstitutional File:
2023/0463 (COD)

LIMITE

AG 79
JAI 712
FREMP 146
DISINFO 48
HYBRID 59
MI 351
DATAPROTECT 100
AUDIO 45
CONSOM 93
TELECOM 175
CODEC 721

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	16889/23 + ADD 1; WK 5510/25
Subject:	Proposal for a Directive on Transparency of Interest Representation on behalf of Third Countries - Revised Presidency compromise text

Delegations will find, in the Annex of this note, a revised Presidency compromise text on the above-mentioned proposal.

Changes compared to the Commission proposal are indicated in **bold** and deletions in ~~strikethrough~~. In addition, changes compared to the last Presidency compromise text are also indicated in underlined.

ANNEX

2023/0463 (COD)

~~Proposal for a~~

DIRECTIVE (EU) …./… OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Interest representation in the Union is a growing and increasingly cross-border activity. When carried out with the necessary level of transparency, such activities allow sharing of experiences and views about problems and solutions, supporting public decision-makers in understanding the options and trade-offs of different approaches.

(2) Interest representation is not only carried out on behalf of domestic stakeholders but increasingly also by third countries. Ideas from third countries can contribute positively to public debate and are a welcome part of international engagement. However, it is not always easy for public officials or individuals to recognise the involvement of third countries in

[1] OJ C […], […], p. […].
[2] OJ C […], […], p. […].

interest representation activities in the context of their decision-making process, or understand the magnitude, trends and actors behind such activities. Third countries should be understood as countries that are not members of the Union or the European Economic Area.

(3) To the extent that it is normally provided against remuneration, interest representation, including interest representation provided to third countries, constitutes a service within the meaning of Article 57 of the Treaty on the Functioning of the European Union ('TFEU'). The market for interest representation also includes interest representation activities carried out by third country entities themselves in a way that is comparable to services and are linked to or substitute activities of an economic nature. These activities should be treated in the same way as interest representation services.

(4) Some Member States have adopted specific measures requiring transparency of interest representation activities, often in the framework of transparency registers linked to a public body. Such national measures often include the obligation for entities carrying out interest representation activities to register themselves or their activities or to obtain and retain specific information, for instance about their clients and the services they provide.

(5) Member States' measures regulating transparency of interest representation activities are very divergent, in particular concerning the record-keeping and registration requirements which apply to entities carrying out interest representation. Some Member States have established mandatory registers aiming, in particular, at ensuring transparency. Others have established voluntary registers, whereas some Member States have no registers for interest representation. There are also considerable variations regarding the granularity of the information provided for transparency purposes, including the type of information required, for instance about the interests represented or about the client. In some Member States information about interest representation must be updated on a regular basis whereas in others the information must be updated every time there is a change in the scope of the interest representation activity carried out.

(6) Such divergences create an uneven playing field and increase compliance costs for entities seeking to carry out interest representation activities in more than one Member State, which may deter the development and provision of new interest representation activities in the internal market. Third countries are likely to seek interest representation in more than one Member State in order to ensure an overall positive policy in their favour across the Union. Such conditions negatively impact economic operators and constitute obstacles to the provision of cross-border interest representation within the internal market. This uneven playing field also directs cross-border interest representation activities away from more regulated Member States towards less regulated ones or where enforcement is limited. Such regulatory arbitrage also presents an opportunity for third-country actors seeking to evade transparency requirements.

(7) In the context of an increased awareness of attempts by certain third countries to influence democratic processes in the Union, some Member States are likely to develop new rules to ensure transparency of foreign influence exerted through interest representation. The obstacles to the provision of such services in more than one Member State created by the fragmentation of the internal market for interest representation activities carried out on behalf of third countries are therefore likely to increase.

(8) The existing national divergences in the measures regulating transparency of interest representation, affecting especially interest representation carried out on behalf of third

countries, and the current context of increased awareness of the risks of foreign interference in democratic processes, highlight the need to act at Union level to regulate the provision of interest representation ~~services and engage in interest representation~~ activities carried out on behalf of third countries across the Union, while ensuring a high level of transparency of such activities.

(8a) The Member States' assessment of the risk of foreign interference they face as well as their approaches to transparency differ. It is therefore appropriate to approximate the heterogeneous regulatory situation in Member States to a common minimum standard. Accordingly, Member States should be allowed to maintain existing or introduce additional measures promoting a higher level of transparency or democratic accountability of interest representation activities falling within the scope of this Directive. Such national measures should however be consistent with the objectives of this Directive and respect Union law. In particular, they should not constitute arbitrary restrictions towards specific entities, nor create a climate of distrust or stigmatisation for the entities which are subject of these requirements.

~~(9) To avoid a situation where Member States seek to unilaterally address their concerns regarding transparency of foreign influence exerted through interest representation and to prevent the emergence of additional obstacles to the provision of cross-border interest representation activities carried out on behalf of third countries resulting from divergent and inconsistent development of national laws, it is necessary to provide for harmonised measures at Union level.~~

(10) By providing **minimum** harmonised transparency requirements applicable across the internal market, this Directive aims to **contribute to** ~~establish~~ a **more** coherent and systematic framework to ensure transparency as regards interest representation activities conducted on behalf of third countries with the objective of influencing the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union.

(11) Providing **minimum** ~~common~~ transparency ~~and accountability~~ standards ~~and common reporting standards~~ also support democratic accountability and **improve** ~~a better common~~ knowledge of interest representation activities conducted **on behalf of third country entities** with the objective of influencing the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union~~, addressing the need for reliable and consistent data.~~ The need to ensure transparency of interest representation activities carried out on behalf of third countries is a legitimate public goal, in the light of the principles of openness and transparency which must guide the democratic life of the Union in accordance with the second paragraph of Article 1 and Article 10(3) of the Treaty on the European Union ('TEU'), in conformity with the values shared by the Union and its Member States pursuant to Article 2 TEU, also supporting the exercise of citizenship rights.

(12) Covert interest representation activities carried out on behalf of third countries are capable of affecting the development, formulation or implementation of the Union's internal and external policies, including regarding its economic and security interests. This affects democracy more generally, which is a common value of the Union, the securing of which is of fundamental importance to the Union and its Member States. Providing for a **minimum** ~~harmonised~~ level of transparency across the Union regarding such activities should contribute to enhancing public trust in the Union's and Member States' decision-making processes.

~~(13) While rules on openness and transparency of interest representation activities exist in certain third countries, these rules do not cover activities seeking to influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union. These rules are therefore not adequate to ensure the transparency of interest representation seeking to influence decision-making in the Union.~~

(14) The measures set out in this Directive are proportionate and limited to what is necessary to ensure transparency of a specific set of activities, namely interest representation activities carried out on behalf of third countries. They impose requirements related to those activities, and do not impose requirements on entities merely because they receive funding from abroad. This Directive focuses on increased transparency ~~when entities carry out interest representation activities on behalf of third countries in the internal market. In particular, this Directive~~ **and** imposes obligations to ensure that the data made publicly available is presented in a factual and neutral way and to ensure that competent national authorities act in a way that no adverse consequence, such as stigmatisation, arises from the fact that an entity has registered in accordance with the provisions of this Directive. It provides for a comprehensive system of safeguards, including effective judicial review to ensure proportionality of the harmonised measures. The measures set out in this Directive are in full compliance with fundamental rights and observe the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'), including the freedom of expression and information, freedom of assembly and association, freedom of scientific research, including academic freedom, the right to the protection of personal data, the right to an effective remedy and the freedom to conduct a business. By achieving a common **minimum** level of transparency in relation to interest representation carried out on behalf of a third country, the measures set out in this Directive strengthen citizens' democratic rights as referred to in the Charter.

(15) The harmonised transparency requirements of this Directive should not affect national rules on interest representation activities for entities other than third country entities, nor should they affect **integrity frameworks, including rules on publication of meetings, conflict of interests, or cooling off periods, or other** ~~the substantive content of such activities nor the substantive~~ rules applicable to public officials when they interact with entities carrying out interest representation activities. They should not affect rules applicable to ~~criminal~~ **prohibited** activities **including those regarding** ~~and their~~ detection, investigation, prosecution ~~supervision~~ and sanctioning **of criminal activities** as established under national or Union law, such as ~~those related to~~ corruption.

(16) In order to harmonise transparency requirements, it is necessary to provide for a common definition of interest representation **activity**. ~~To ensure the correct application of the harmonised transparency requirements,~~ **The** concept of interest representation activities should **be understood as communication with public officials designed to influence** ~~have a broad meaning. It should cover activities carried out with the objective of influencing~~ the development, formulation or implementation of policy or legislation, or public decision-making processes **in the Union.**~~, including by impacting public opinion, in the Union and its Member States, including at regional and local levels~~. **It should not cover communications in the exercise of individual rights nor in submissions made in response to direct and specific requests from public officials made on behalf of the authority or institution they represent, including responding to public consultations.**

(16a) For the purposes of the definition of 'interest representation activity', implementation of policy or legislation should be understood as taking decisions on how such policy or

legislation are to be applied or operationalised in practice, such as decisions on implementing rules and the preparation of guidelines or standards. It should not include the work of public officials who execute established public policies and are not involved in or have no influence on such decisions, for instance teachers, postal officers and medical staff, where they are considered public officials in accordance with national rules.

~~(17) A clear and substantial link should exist between the activity and the likelihood that it would influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union. In order to determine the existence of such a link, account should be taken of all relevant factors, such as the content of the activity, the context in which it is conducted, its objective, the means by which it is carried out, or whether the activity is part of a systematic or sustained campaign. The activities covered should not be limited to activities with the objective to promote a change in a given policy, legislation or public decision-making process but should also cover activities aiming to maintain the status quo.~~

(18) Interest representation could, in particular, be performed through **in-person contacts, emails, letters, telephone or video calls, electronic messaging services, and messages on social media directly targeted to public officials.** ~~activities such as organising or participating in meetings, conferences or events, contributing to or participating in consultations, parliamentary hearings or other similar initiatives, organising communication or advertising campaigns including through media, platforms, use of influencers in social media, networks and grassroots initiatives, preparing policy and position papers, legislative amendments, opinion polls and surveys, open letters and other communication or information material~~.

~~(19) Interest representation could also cover activities carried out on behalf of a third country entity in the context of research and education, such as the dissemination by think tanks of papers recommending or favouring the adoption of a specific public policy. In accordance with the principle of academic freedom and freedom of scientific research, enshrined in Article 13 of the Charter, interest representation should not cover research pursued by researchers in a subject of their choice, the dissemination of the findings of that research, or teaching and education activities that are conducted in accordance with the principle of academic freedom and institutional autonomy, except where the clear purpose of these activities is to influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union and they are carried out on behalf of a third country entity. Where this is not the case, carrying out such activities should not give rise to registration requirements under this Directive.~~

(20) Activities carried out by officials of third country governments that are connected with the exercise of official authority, including activities related to the exercise of diplomatic relations between States or international organisations, should be excluded from the scope of this Directive. This Directive should also not cover activities carried out by lawyers consisting of the provision of legal advice or the representation in legal, conciliation or mediation proceedings of third country entities and safeguarding their fundamental rights, such as the right to be heard, the right to a fair trial, and the right of defence. Professional advice other than legal advice should also be outside the scope of this Directive, such as procuring a professional or expert study to serve as evidence in support of arguments in court; getting technical or scientific advice on complying with technical legislation or using mediation services of a professional as mediators who are not necessarily certified lawyers. Ancillary activities such as catering, the provision of a venue, the printing of brochures or policy papers,

or the provision of online intermediary services within the meaning of Regulation (EU) 2022/2065[3], such as online platforms services, should not be covered by this Directive.

(21) In order to harmonise transparency requirements, it is necessary to provide for a common definition of providers of interest representation services. Providers of interest representation services could be **for example** legal persons governed by private law, natural persons who individually engage in a professional lobbying activity, as well as other natural or legal persons whose principal or occasional occupation is to influence the public decision-making process, including lobbying and public relations companies, think tanks, civil society organisations, private research institutes, public research institutes offering research services, individual researchers and consultants.

(22) For the purposes of this Directive, **a definition of public** officials should be **provided covering both** ~~understood as~~ officials of the European Union and officials of Member States. ~~holding a legislative, executive, administrative or judicial office **in a Member State** at national, regional or local level~~.

(23) The government or authorities of a third country may be behind the decision of an entity to seek interest representation. This may be as a result of control exercised by the government or public authorities of a third country over the entity, in particular where it has a decisive influence on that entity through economic rights, contractual arrangements, or any other means. It may also result from situations where a third country government or authorities were behind the decision of the entity, in particular by giving instructions or directives. In order to capture such instances, the concept of third country entities should be understood as covering not only the central government and public authorities of third countries but also public or private entities, including Union citizens and legal persons established in the Union, whose actions can be ultimately attributed to that third country. Whether the actions of a public or private entity are to be attributed to a third country government or authority should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the third country in which the entity operates, including the government's role in the economy of that country.

(24) ~~An interest representation activity should fall within the scope of t~~**T**his Directive ~~if it is carried out on behalf of a third country entity. This means that it~~ should cover interest representation services provided to third country entities. ~~Furthermore, since a~~ **Nevertheless**, third country **governments** may **also** rely on entities whose actions can be attributed to ~~it~~ **them** to carry out interest representation activities **instead of requesting interest representation service providers to carry out interest representation activities on their behalf. Such activities, which substitute activities** of an economic nature**, are** ~~and thus~~ comparable to an interest representation service**. These activities** ~~,the Directive~~ should also ~~cover such activities. It may thus also cover in-house interest representation by third country entities.~~ **fall within the scope of** this Directive **to facilitate a level playing field as well as prevent circumvention through the use of proxies** ~~should cover interest representation activities carried out on behalf of third country entities directed to natural or legal persons or carried out or brought to the public domain in one or several Member States.~~

[3] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EU (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2065/oj).

(25) This Directive should not cover activities supporting or aligned with the interests of a third country but without any link to that third country. This includes activities that constitute a manifestation of the freedom of expression and of the freedom to impart and receive information and ideas, or a manifestation of academic freedom, such as activities carried out by natural persons acting in a personal capacity, or journalists working for third country media whose actions cannot be attributed to a third country or do not qualify as interest representation as defined by this Directive. ~~The provision of media services as defined in Article 2 of Regulation (EU) XXXX/XXXX of the European Parliament and of the Council[4] and the provision of audiovisual media services as defined in Article 1 of Directive 2010/13/EU of the European Parliament and of the Council[5] will not fall within the scope of application of this Directive. However, interest representation activities carried out on behalf of third country entities within the meaning of this Directive by media service providers will be covered.~~

(26) For the purpose of interest representation services provided to a third country entity, any consideration received in return for the interest representation service in question should be considered as remuneration for the purposes of this Directive. This could cover financial contributions, such as loans, capital injection, debt forgiveness, fiscal incentives or tax exemption, **where it is demonstrated that these are granted as a form of implicit remuneration for** ~~received in return of an~~ interest representation activity **on behalf of a third country entity.** Remuneration could also include benefits in kind, such as the provision, construction and maintenance of office space in return for an interest representation service. In such situations, the interest representation services provider would be responsible for estimating the value of the benefit received, for example by using the market rate.

(27) The Court has held that the essential characteristic of remuneration lies in the fact that it constitutes consideration for the services in question. Contributions to the core funding of an **entity** ~~organisation~~ or similar financial support, for example provided under a third country donor grant scheme, should not be considered as remuneration for an interest representation service where they are unrelated to an interest representation activity, that is, where the entity would receive such funding regardless of whether it carries out specific interest representation activities **or the interest representation activity is undertaken in pursuit of the established objectives of the entity and not on behalf of a third country entity.**

(28) To ensure a comprehensive and transparent overview of the amounts used for an interest representation activity as a whole, annual amounts should, for the purpose of this Directive, include the total annual remuneration received from the third country entity for the provision of an interest representation service, and where no remuneration is received, the estimate of the annual costs related to the interest representation activity carried out. For the same reasons, these amounts should include the costs for subcontractors and ancillary activities.

(29) Subcontractors may qualify as an entity carrying out interest representation on behalf of third country entities and thus fall within the scope of the obligations set out in this Directive. **A high level of transparency is achieved by ensuring that all entities, regardless of whether they are subcontractors, register in national registers when they carry out an interest**

---

4 Regulation (EU) **2024/1083** of the European Parliament and of the Council of **11 April 2024** establishing a common framework for media services in the internal market **and amending Directive 2010/13/EU** (European Media Freedom Act) ~~and amending Directive 2010/13/EU~~ (**OJ L, 2024/1083, 17.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1083/oj**).

5 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1, ELI: http://data.europa.eu/eli/dir/2010/13/oj).

representation activity on behalf of a third country entity. To ensure that entities carrying out such activities are able to comply with their obligations under this Directive, even when the entity requesting the service is not the third country entity itself, information on the fact that the activity in question is an activity carried out on behalf of a third country should be transmitted to further subcontractors. Moreover, ~~To reduce administrative burden and~~ to avoid double-counting, **for the purpose of the information provided to the register, the annual amount paid to the subcontractors should be excluded by the registered entity and provided by the subcontractors themselves.** ~~of remuneration, as well as to ensure information throughout a chain of contracts, entities carrying out interest representation activities should ensure that their contractual arrangements with subcontractors include information that the interest representation activity is carried out on behalf of a third country entity, as well as an obligation to pass on that information in cases where the activity is further subcontracted. On that basis, subcontractors should be exempted from the obligation to register and keep records, and where applicable, designate a legal representative, laid down in this Directive.~~

(30) To facilitate compliance with the registration requirements of this Directive, providers of interest representation services should **assess whether their service falls within the scope of this Directive, including by requesting** ~~be entitled to ask~~ the entity on whose behalf the service is provided to declare whether it is a third country entity. ~~Providers of interest representation services should make the best possible use of this right in order to make an informed choice enabling them to fully comply with the requirements set out in this Directive when exercising their activities.~~

(31) In order to support accountability and promote awareness of the third country interests they represent, entities carrying out interest representation activities on behalf of a third country entity should be required to keep certain records. These records should include a description of the purpose of the interest representation activity, in particular the decision-making process it seeks to influence and the result it seeks to obtain. Records should also include the identity of the third country entity, which in cases where the entity is a natural person should be understood as the natural person's full name. They should also include copies of contracts ~~and key exchanges essential to understanding the nature, and purpose of,~~ and financial arrangements ~~behind~~ **related to** the interest representation activity, as well as **the written declaration attesting that the entity on whose behalf the interest represantation activity is carried out is a third country entity.** ~~information or material constituting a key component of the activity, such as position papers shared with public officials.~~

(32) **In line with data protection requirements**, ~~E~~entities carrying out interest representation on behalf of third countries should ~~not~~ be required to keep the personal data contained in those records **only for as** long~~er than~~ **as** necessary to ensure that the supervisory authorities can carry out their supervisory and enforcement tasks. Any such records should be kept long enough to enable supervisory authorities to obtain, in justified cases, the records kept on the third country entity and the interest representation activity. ~~as well as the annually aggregated records.~~

(33) In order to allow for effective oversight, entities carrying out interest representation activities on behalf of a third country entity that do not have a place of establishment in the Union should be required to designate a legal representative established in the Union and ensure that their designated legal representative has the necessary powers and resources to cooperate with the relevant authorities.

(34) In order to provide for **minimum** harmonised transparency requirements across the internal market, entities carrying out interest representation activities on behalf of a third country entity should be required to register in national registers at their place of establishment. Subsequent updates to an existing registration **including the annual amounts covering interest representation activities** should also **be submitted to** ~~take place in~~ that national register. These registers should be set up, operated and maintained by the Member States. Member States may make use of their existing national registers for the purpose of this Directive, provided that the requirements of this Directive are complied with. In order to respect national divisions of competence, Member States should be entitled to set up more than one such registers. In such cases, Member States should **ensure that the respective scope of each national register is clearly defined to enhance legal certainty for entities required to register.**~~establish rules indicating in which national register entities carrying out interest representation activities on behalf of third countries should register. Logs of personal data processing activities within the national registers should not be kept longer than necessary to monitor the lawfulness of access to personal data and should therefore be limited to a year.~~

(35) Pursuant to Regulation (EU) 2018/1724 of the European Parliament and of the Council[6], information on the registration obligations and formalities established by this Directive **should be** ~~is~~ available via the Single Digital Gateway which, through the Your Europe web portal, sets up a one-stop shop that provides businesses and citizens with information about rules and procedures in the Single Market, at all levels of government and direct, centralised, and guided access to assistance and problem-solving services as well as to a wide range of fully digitised administrative procedures. In addition, the procedure for registration ~~is~~ **should be** fully online and organised in accordance with the 'once only' principle to facilitate the reuse of data.

(36) **The entity should be required to register only in the Member State where it is established.** Where the entity carrying out interest representation activities on behalf of a third country entity is established in several Member States, registration should only take place in the Member State where the entity has its main establishment. The main establishment of the entity should be understood as the place where the entity has its head office or registered office within which the principal economic activities and operational control are exercised.

(37) The **minimum set of** information to be included for the purpose of this Directive in the registration should be **harmonised** ~~limited to what is necessary~~ to ensure ~~the~~ **common** transparency of the interest representation activities carried out on behalf of third countries and the effective enforcement of this Directive. Such information should include data concerning the entity carrying out interest representation activity itself, the third country on whose behalf the activity is performed, the identity of subcontractors as defined in this Directive carrying out interest representation activities, and information concerning the specific interest representation activity carried out. ~~Where applicable, it should also include a reference to media service providers or online platforms where advertisements are placed as part of the interest representation activity~~. **To facilitate uniform application, Member States should ensure that, for registration purposes, an entity must provide the minimum information set required by this Directive. Member States could request more information under national law, even from entities not registered in that Member State,**

---

[6] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1724/oj)

as long as such request is consistent with the objectives of this Directive and respects Union law. The registration should not concern information on the amounts or origin of financial support received that is unrelated to an interest representation activity.

(38) ~~To ensure that the information provided for the purposes of registration continues to allow the authorities responsible for the national registers to correctly and precisely identify the third countries on whose behalf interest representation is being carried out and how much is being spent on those activities, the Commission should be empowered to adopt delegated acts adapting the standard set of information.~~

(39) Entities carrying out interest representation activities on behalf of third countries, registered in a national register, should update information in the national register **and no later than one month from when the change occurred** ~~at least once a year~~. **However, any changes with regards to information related to the third countries on whose behalf the registered entity is acting or related to the Member States in which the interest representation activitiy is carried out, shall be reported more quickly, at the latest, at the start of the relevant interest representation activity.**~~However, in view of the importance of the accuracy of the information held in such national registers for the application and oversight of the Directive, any changes or additions to the contact information of the registered entity should be made more quickly, and in any event within a reasonable period of time.~~

(40) The authority responsible for each national register should ensure that the information provided is complete and does not contain manifest errors. That should not involve an in-depth evaluation of the accuracy or truthfulness of the information provided and should not be understood as an official endorsement of the accuracy of the information included in the national register. A refusal to include an entity in the register due to incomplete or manifestly incorrect information should not prevent that entity from submitting a new registration request.

(41) Entities carrying out an interest representation activity on behalf of third countries should be able to demonstrate that they have complied with the registration requirements. Once registered, an entity should be provided with a copy of the information included in a national register and a unique European Interest Representation Number ('EIRN'). The EIRN should serve as a means to facilitate the identification across the Union of entities registered pursuant to this Directive. The composition of the EIRN should therefore allow the identification of the Member State of registration and the specific national register in which registration has taken place. The choice of the code identifying the national register of registration should appear logical to persons familiar with the organisation of the Member State concerned.

(42) Once they are registered in the Member State of their place of establishment, registered entities should not be required to register in other Member States, including when they launch an interest representation activity there. However, to facilitate the access by public officials to information on entities carrying out interest representation activities with whom they might interact, other Member States where such activities will be carried out should include, in their own national registers, **all the information required by this Directive for registration** ~~the names of the registered entities concerned~~, **and** the~~ir~~ EIRN **of the concerned entity**, ~~and~~ the link to the ~~information contained in the~~ national register of registration, **as well as information on whether entity has requested a derogation from the publication,** ~~and made publicly available~~. **This should not prevent those Member States from requesting more information from entities registered in other Member States under their national**

law, provided that such a request is consistent with the objective of this Directive and respects Union law.

(43) To ensure compliance with the **requirements of this Directive** ~~registration requirement~~, supervisory authorities should **be able to ask entities the necessary information. Such request by supervisory autorities should be proportionate and limited to the purpose of monitoring and assessing compliance with this Directive.**~~, where they have reliable information that an entity failed to register, for example based on a report by a whistleblower, be able to ask the entity to provide the information strictly necessary to establish whether it falls within the scope of this Directive. Such information should typically not extend beyond information directly capable of demonstrating whether it falls within the scope of this Directive. It could consist of the information of the type covered by the record-keeping obligation, including any declarations obtained as to whether an entity on whose behalf an interest representation service is provided is a third country entity. Where possible, the request should be limited to information that should be in the possession of the entity. In addition, supervisory authorities should, where they have reliable information of possible non-compliance with the obligations flowing from registration, be able to ask an entity to provide the information necessary to investigate such possible non-compliance. Such information should typically not extend beyond information directly capable of demonstrating the completeness or accuracy of the information provided as part of the requirement to register and to update. Where possible, the request should be limited to information that should be in the possession of the registered entity. Any such requests should contain a statement of reasons, the information sought and the reasons for its relevance, and information on judicial review procedures available.~~ Such requests should be without prejudice to national authorities' powers to investigate any conduct liable to constitute criminal offences as provided in national law and Union law.

(44) Democratic accountability is a pillar of well-functioning democracies. By providing for citizens' access to information on entities carrying out interest representation activities on behalf of third countries active in the internal market, as well as the third country entities they represent, this Directive enables citizens and other interested stakeholders to exercise their democratic rights and responsibilities, including their ability to exercise democratic scrutiny in full knowledge of whose interest are being served by the interest representation activities to which they, or their elected representatives, may be exposed. Public scrutiny by citizens and interested stakeholders on issues affecting the democratic sphere supports democratic checks and balances. Democratic accountability also supports citizens' empowerment, allowing them to express and exercise their democratic choices, including when they vote. ~~As voters, citizens are important decision-makers in their own right, and as such, they can be the target for certain interest representation services.~~

(45) To ensure proportionality, when personal data is made publicly available, it should be limited to what is strictly necessary to the purpose of informing citizens, their representatives and other interested parties about interest representation activities carried out on behalf of third countries. In addition, information on the annual amounts declared should be made publicly available using more general ranges than the ones used for the submission of information to national registers, to ensure the level of detail necessary for the purpose of informing citizens, their representatives and other interested parties. Information that is of relevance only to supervisory authorities, such as the contact details of the persons responsible for a registered entity, should not be made publicly available.

(46) To facilitate access by citizens, the information should be presented in a format which is easily accessible and machine readable, clearly visible and user friendly, including by using plain language. Information should be considered machine readable if it is provided in a format that software applications can automatically process, without human intervention, in particular for the purpose of identifying, recognising and extracting specific data from it. Information should be made available in accordance with the accessibility requirements under Union law to ensure accessibility for persons with disabilities, and in particular, via more than one sensorial channel when technically feasible. ~~Registration may take place in a Member State different to the one in which an interest representation activity is carried out. The accessibility of information to citizens across the Union is substantially improved where that information is made available in at least one official language of the Union broadly understood by the largest possible number of Union citizens. Member States should be encouraged to use technical solutions which would allow translation of as much information as possible into such a language. Member States should however not be required to translate the information provided by registered entities.~~

(47) To ensure the protection of **entities** ~~individuals~~ that may be exposed by the publication of specific information to a violation of their fundamental rights, such as retaliations against individuals working for a registered entity operating in a third country, Member States should ensure that ~~supervisory authorities~~ **entities** are able~~, upon~~ **to** request~~, to restrict~~ **the restriction of** the publication of whole or part of the information entered in the national register. **Such a request can be made at any stage, whether at the time of registration or later. To protect the interests concerned, the information subject to such requests should not be made public until a decision is taken.** The ~~registered~~ **requesting** entity should demonstrate that, taking into account all the relevant circumstances of the individual cases, publication should be restricted due to legitimate interests such as a serious risk that the publication would expose an individual to a violation of their fundamental rights in particular as protected by Articles 1 (Right to human dignity), 2 (Right to life), 3 (Right to the integrity of the person), 4 (Prohibition of torture and inhuman or degrading treatment or punishment) or 6 (Right to liberty and security of the Charter, such as kidnapping, blackmail, extortion, harassment, violence or intimidation), or such as trade secrets. The analysis should take into account risks to the physical integrity of employees, or any individuals working for or affiliated to a registered entity. Legitimate interests should also cover risks to individuals that benefit from the activities of the ~~registered~~ entity. ~~Any~~ **Decisions on such requests** ~~by the supervisory authority~~ should take into account the objectives of this Directive and should be subject to judicial review procedures ~~in the Member State of registration~~. **Such** ~~The~~ decisions ~~by the supervisory authority~~ and where applicable**,** judicial **review proceedings** ~~jurisdiction~~, should be taken promptly. ~~To enable the public to know that the registered entity has complied with the registration requirement established by this Directive where a restriction of publication is granted, the data field in the national register should be replaced by a mention indicating that the publication has been limited on grounds of legitimate interest.~~

(48) To support the identification by public officials of interest representation activities carried out on behalf of third countries, registered entities ~~and their subcontractors~~ should provide the EIRN in their direct contacts with such persons. The EIRN should be presented proactively in each contact with public officials.

(49) ~~Member States should designate one or more authorities or bodies in charge of setting up and maintaining the national registers and processing requests for registration submitted by entities carrying out interest representation activities on behalf of third countries. They~~ **Member States** should ~~also~~ designate one or more supervisory authorities in charge of

supervising the compliance with and enforcing the obligations laid down in this Directive ~~as well as of the exchange of information with the supervisory authorities of other Member States and the Commission~~. To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of these entities, it is necessary that supervisory authorities are impartial and independent **in the exercise of their functions** from external intervention or political pressure and are appropriately empowered and resourced to effectively monitor and take the measures necessary to ensure compliance with this Directive. **Member States should be able to designate the authorities responsible for the national registers as supervisory authorities, as long as the condition of independence in the exercise of their functions is fulfilled.**

(50) In order to prevent stigmatisation of the registered entity, the data made publicly available should be presented in a factual and neutral way. In addition, ~~,~~ competent national authorities should carry~~ing~~ out the tasks assigned to them under this Directive **in a way that minimises the risk of stigmatisation for the entities concerned**. ~~ensure that no adverse consequences arise from the mere fact that an entity is a registered entity.~~ In particular, the publication should not be presented with or accompanied by statements or provisions that could create a climate of distrust with regard to the registered entities, apt to deter natural or legal persons from Member States or third countries from engaging with them or providing them with financial support. Examples of such stigmatising actions include negatively labelling the registered entities or making disparaging statements seeking to undermine registered entities' credibility and legitimacy by implying that registered entities are seeking to unlawfully influence democratic processes.

(51) ~~Where a third country spends particularly large amounts on interest representation, or where an entity receives particularly large amounts of remuneration from one or several third country entities, there is heightened likelihood that the interest representation activities carried out would successfully influence the political choices of a Member State or of the Union as a whole. In such cases, supervisory authorities should be able to request additional information from entities carrying out interest representation activities carried out on behalf of such third countries in order to exercise greater scrutiny.~~

(52) ~~To ensure a proportionate oversight of this Directive, supervisory authorities should be able to ask an entity carrying out interest representation activities on behalf of third country entities to provide the records necessary to investigate possible non-compliance with the registration requirement set out in this Directive. For that purpose, supervisory authorities should be able to act on their own motion or on the basis of a report by a whistleblower or the supervisory authority of another Member State.~~

(53) Supervisory authorities should cooperate ~~both at national and at Union level. Such cooperation should facilitate the swift, secure~~ **and** exchange ~~of~~ information **in a swift and secure manner**. For the purpose of exercising their supervisory tasks, supervisory authorities should be able to request, from the supervisory authority in the Member State of registration, **the information which is necessary to carry out their tasks**. ~~provided in the registration, including that which is not public, and in specific cases the records kept by the entity, as well as analyses carried out~~. ~~Supervisory authorities and the Commission should cooperate to ensure the implementation of the Directive~~. To better understand the size and the distribution of the overall interest representation activities that are carried out on behalf of third countries in the Union, ~~T~~he Commission should **publish a report based on the information provided by Member States.** ~~be able to request, from supervisory authorities, aggregate data based on the information provided by entities carrying out interest representation carried out on behalf~~

~~of third country entities in their registration. In order to comprehensively monitor the modalities and the features of the interest representation activities carried out on behalf of third countries that are carried out in the Union, such aggregate data may include information that is not publicly available in the registers including personal data to the extent that is necessary to ensure an effective monitoring.~~

(54) To further limit administrative burden, administrative cooperation and exchanges of information between the national authorities, as well as the supervisory authorities and the Commission take~~s~~ place through the Internal Market Information System ('IMI system') established by Regulation (EU) 1024/2012 of the European Parliament and of the Council[7] for administrative cooperation between Member States' competent authorities in Single Market related policy areas. The interoperability of the IMI system and the national registers should be ensured in line with the European Interoperability Framework.

(55) For the purposes of assisting the Commission in its task to ensure **smooth** ~~effective~~ cooperation among competent national authorities, and the ~~complete and~~ effective implementation of this Directive, an advisory group should be established. The advisory group should include **two** ~~a~~ representatives from ~~the supervisory authorities of~~ each Member State. The advisory group should **assist the Commission** ~~advise~~ on the implementation of the Directive, including **by facilitating exchanges and sharing information and best practices.** ~~on the requirement to avoid that adverse consequences arise from the mere fact that an entity is registered pursuant to the requirements laid down in this Directive~~. ~~I~~t should adopt opinions, recommendations or reports **by a simple majority of its members.** ~~that should be made public by the competent national authorities designated by Member States.~~ In order to ensure legal certainty for entities that may fall in the scope of the Directive, the advisory group should, in particular, advise the Commission on possible guidance on the scope of the Directive, the notion of third country entity, and activities whose object or effect of which is to circumvent obligations in this Directive. **The advisory group could cooperate** ~~Cooperation should be ensured as appropriate~~ with the EU network against corruption **as appropriate**.

(56) Whistleblowers can bring new information to the attention of supervisory authorities that can help them detect infringements of this Directive, including attempts to circumvent its obligations. In order to ensure that whistleblowers are able to alert the supervisory authorities to actual or potential infringements of this Directive and to protect the whistleblowers from retaliation, Directive (EU) 2019/1937 of the European Parliament and of the Council[8] should be applicable to the reporting of breaches of this Directive and to the protection of persons reporting such breaches.

(57) Reporting of breaches by whistleblowers can be key to prevent, deter, or detect breaches of rules in the area of transparency and supervision of the provision of services provided in the internal market with relevance to public decision-making, such as interest representation services. Given the public interest in shielding public decision-making from such breaches, and the possible harm to citizens' trust in democratic institutions that can be caused by such

---

7 Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/1024/oj).

8 Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17, ELI: http://data.europa.eu/eli/dir/2019/1937/oj).

breaches, and in view of the fact that the provisions of this Directive do not fall within the policy areas set out in Article 2(1)(a) of Directive (EU) 2019/1937, ~~it is necessary to adapt those areas.~~ **article** 2 and the Annex to Directive (EU) 2019/1937 should therefore be amended accordingly.

(58) The participation, knowingly and intentionally, in activities the object or effect of which is to circumvent obligations in this Directive, notably registration requirements, should be prohibited. Such activities include covert remuneration for a representation service, the setting up of companies with a view to obfuscating links to third country governments, or the artificial distribution of activities across multiple entities with a view to falling short of the thresholds established by this Directive.

(59) In order to deter non-compliance with the requirements of this Directive and to sanction the same, Member States should ensure that any infringements of the obligations laid down in this Directive are accompanied by effective, proportionate and dissuasive **penalties** ~~administrative fines. Sanctions should not be criminal in nature. Sanctions~~ **Penalties** should take into account the nature, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of activities carried out, and the economic capacity of the entity carrying out interest representation activities. ~~Sanctions~~ **Penalties** should in each individual case be effective, proportionate and dissuasive, with due respect for fundamental rights including freedom of expression, association, academic freedom and freedom of scientific research, safeguards and access to effective remedies, including the right to be heard. ~~They should follow a prior early warning issued by a supervisory authority, except when such infringement amounts to a violation of the prohibition of circumvention.~~

~~(60) In order to amend the thresholds for requesting further information, to modify the list of information to be provided when submitting a request for registration, and to modify the list of information to be included in the reports published by Member States, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[9]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.~~

(61) In order to ensure the effective monitoring of the application of this Directive, the Commission should report on its implementation at regular intervals, where relevant in connection with reports on other relevant Union legislation. In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, the Commission should evaluate this Directive in order to assess its effects and the need for any further action.

(62) Since the objectives of this Directive, namely the contribution to the proper functioning of the internal market for interest representation activities, cannot be sufficiently achieved by the Member States and can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

---

9 OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj

(63) In particular, a Union-level system supports competent national authorities in their oversight functions and other stakeholders to exercise their role in the democratic process and increases the overall resilience of democracies in the Union against interference by third countries. There is an added value from addressing the transparency of interest representation activities carried out on behalf of third countries **in the** ~~to influence at~~ Union ~~level~~, as the likely cross-border nature of such activities requires a coordinated approach across multiple levels and sectors. By collaborating and sharing information, Member States are able to obtain a better understanding of the extent of the phenomenon, which helps to avoid that third countries are able to exploit regulatory differences or loopholes.

(64) When implementing this Directive, Member States should seek to minimise the administrative burden on the entities concerned, and in particular those of micro, small and medium-sized enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council[10].

(65) Regulations (EU) 2016/679[11] and (EU) 2018/1725[12] of the European Parliament and of the Council apply to the processing of personal data carried out in the context of this Directive, including the processing of personal data to maintain the national register or registers on entities carrying out interest representation activities on behalf of third country entities, to access personal data in such national register or registers and to exchange personal data in the context of administrative cooperation and mutual assistance between Member States under this Directive, including the use of IMI, and the keeping of records in accordance with this Directive's record-keeping obligations. Any processing of personal data for such purposes should amongst others comply with the principles of data minimisation, data accuracy and storage limitation and fulfil the requirements of data integrity and confidentiality. Member States should establish the measures ensuring lawful and secure processing as regards the processing of personal data contained in their national register or registers, in accordance with applicable legislation on the protection of personal data.

(66) This Directive does not affect in any way the application of Union restrictive measures adopted pursuant to Article 29 TEU and Article 215 TFEU. In particular, it does not affect the prohibition to make available, directly or indirectly, funds or economic resources to or for the benefit of natural or legal persons, entities or bodies, or natural or legal persons, entities or bodies associated with them which are listed in Union restrictive measures.

---

10 Directive (EU) 2013/34 of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 17, ELI: http://data.europa.eu/eli/dir/2013/34/oj).

11 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

12 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

(67) This Directive should not affect the prerogatives of the Commission to initiate and conduct investigations of distortive foreign subsidies within the meaning of Regulation (EU) 2022/2560 of the European Parliament and of the Council[13].

(68) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[14], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

(69) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on **6 February 2024** ~~XXXX~~[15],

---

13 Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ L 330, 23.12.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2560/oj).

14 OJ C 369, 17.12.2011, p. 14.

15 **EDPS opinion 11/2024** ~~XXXX~~.

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I – GENERAL PROVISIONS

Article 1
Object and purpose

This Directive lays down harmonised requirements in relation to economic activities of interest representation carried out on behalf of a third country entity, with a view to improving the functioning of the internal market by achieving a ~~common~~ **minimum** level of transparency across the Union**, in support of democratic accountability and public trust**.

~~The purpose of this Directive is to achieve that transparency in such a manner as to avoid creating a climate of distrust apt to deter natural or legal persons from Member States or third countries from engaging with or providing financial support to entities carrying out interest representation on behalf of a third country entity.~~**The harmonised transparency requirements of this Directive do not affect Union or national rules regulating aspects on interest representation activities other than those covered by this Directive.**

Article 2
Definitions

For the purpose of this Directive, the following definitions apply:

(1) '**interest representation activity**' means ~~an activity~~ **communication with public officials, irrespective of the format or medium, and** ~~conducted with the objective of influencing~~ **designed to influence** the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union ~~**national, regional, or local level**~~ **and with the exception of communications in the exercise of individual rights;** ~~, which could in particular be performed through organising or participating in meetings, conferences or events, contributing to or participating in consultations or parliamentary hearings, organising communication or advertising campaigns, organising networks and grassroots initiatives, preparation of policy and position papers, legislative amendments, opinion polls, surveys or open letters, or activities in the context of research and education, where they are specifically carried out with that objective~~

(2) '**interest representation service**' means an interest representation activity normally provided for remuneration, as referred to in Article 57 of the Treaty on the functioning of the European Union;

(3) '**interest representation service provider**' means a natural or legal person that provides an interest representation service;

(4) '**third country entity**' means:

(a) the central government and public authorities at all other levels of a third country, with the exception of members of the European Economic Area;

(b) a public or private entity whose actions can be attributed to an entity referred to in point (a), taking into account all relevant circumstances;

(5) **'ancillary activity'** means an activity that supports the provision of an interest representation activity but has no direct influence on its content;

(6) '**annual amount**' means:

(a) the total annual remuneration received from a third country entity for the provision of an interest representation service, consisting, where the remuneration is non-pecuniary, of its estimated value; or

(b) where no remuneration is received, the estimate of the annual costs related to the interest representation activity carried out;

taking into account the interest representation activity as a whole, including, when carried out by a service provider on the basis of contractual arrangements, costs for subcontractors and ancillary activities;

(7) '**subcontractor**' means an interest representation service provider with whom a main contractor, or one of its subcontractors, concludes a contract under which it is agreed that the subcontractor performs some or all parts of an interest representation activity that the main contractor has committed to carry out;

(8) '**registered entities**' means entities registered in a national register as referred to in Article 9 pursuant to Article 10;

~~(9) '**authority responsible for the national register**' means the public authority or body responsible for maintaining a national register as referred to in Article 9 and processing registrations submitted pursuant to this Directive;~~

~~(10) '**supervisory authority**' means the independent public authority responsible for the supervision of the compliance with and enforcement of the obligations laid down in this Directive;~~

(11) '**public official**' means:

(a) a Union official or ~~an official of a Member State~~;

(b) **an official of a Member State** ~~any other person assigned and exercising a public service function in a Member State~~;

(12) '**Union official**' means a person who is:

(a) an official or other servant within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68[16];

[16] Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily

(b) seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants;

Members of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials, in as much as the Staff Regulations do not apply to them.

(13) '**official of a Member State**' means any person **that is directly involved in the development, formulation or implementation of policy or legislation, or public decision-making processes and either:**

a) **holds** ~~holding~~ an executive, **legislative,** administrative, or judicial office **in a Member State, or** ~~at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority and any person holding a legislative office at national, regional or local level~~

b) exercises a public service function in a Member State in accordance with national law.

Article 3
Scope

1. This Directive applies to entities, irrespective of their place of establishment, carrying out the following activities:

(a) an interest representation service provided to a third country entity **either directly or through subcontracting**;

(b) an interest representation activity carried out by a third country entity referred to in Article 2~~(4)~~, point **(4)**(b), that ~~is linked to or~~ substitutes activities of an economic nature and is thus comparable to an interest representation service as referred to in point (a) of this paragraph.

2. Notwithstanding paragraph 1 **of this Article**, this Directive shall not apply to the following activities:

(a) activities carried out directly by a third country entity referred to in Article 2~~(4)~~, point **(4)**(a), that are connected with the exercise of official authority, including activities related to the exercise of diplomatic or consular relations between States or international organisations;

(b) the provision of legal and other professional advice in the following cases:

(i) advice to a third country entity to help it ensure that its activities comply with existing legal requirements;

applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1, ELI: http://data.europa.eu/eli/reg/1968/259(1)/oj).

(ii) representation of third country entities in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before, or adjudicated on by, a judicial or administrative body;

(iii) representation of third country entities in legal proceedings;

(c) ancillary activities.

2a. **Contributions to the core funding of an entity ~~organisation~~ or similar financial support including grants, shall not be considered as remuneration for an interest representation service where they are unrelated to an interest representation activity carried out on behalf of a third country entity, that is where the entity would have received such funding regardless of whether it carries out specific interest representation activities or not.**

Article 4
Level of harmonisation

1. Member States ~~shall not~~ **may** maintain **existing** or introduce **additional measures to promote a higher level of transparency or democratic accountability of interest representation activities** ~~for interest representation activities~~ falling within the scope of this Directive **provided that such measures are consistent with the objectives** ~~provisions diverging from those~~ laid down in this Directive **and respect Union law.**~~, including more, or less, stringent provisions to ensure a different level of transparency of those activities.~~ **~~In particular, such measures shall not constitute arbitrary restrictions towards specific entities and shall not create a climate of distrust or stigmatisation for the entities subject to the transparency requirements.~~**

2. **By derogation from paragraph 1 of this Article, Member States shall not maintain existing or introduce additional measures in respect of Article 10(1)-(3), Article 11(3), Article 22(2) and Annex II.**

CHAPTER II – TRANSPARENCY AND REGISTRATION

Article 5
Identification of the recipient of the service

Member States shall ensure that interest representation service providers **assess whether the service provided falls within the scope of this Directive, including by requesting** ~~have the possibility to require~~ the entity on whose behalf the service is provided to declare **in writing** whether it is a third country entity.

Article 6
Subcontracting

1. Member States shall ensure that entities referred to in Article 3(1) ~~include, in their contractual arrangements with~~ **inform** subcontractors~~, the information~~ that the interest representation activity **subcontracted** falls within the scope of Article 3(1), ~~as well as~~ **and that** ~~an obligation to pass on~~ such information **is passed on** to any further subcontractors. ~~Subcontractors that have been so informed shall not have to comply with the requirements of Article 7, Article 8, Article 10 and Article 11 in respect of the interest representation activity carried out under the contract containing that information.~~

~~2. Member States shall ensure that where the subcontractor subcontracts the interest representation service further, it shall inform the main contractor or, where applicable, the subcontractor from which it received the contract to carry out the interest representation activity, of the fact that the interest representation activity has been further subcontracted and ensure that the contractual arrangements include the information that the interest representation activity falls within the scope of Article 3(1).~~

~~3. Member States shall ensure that the subcontractor provides the main contractor or, where applicable, the subcontractor with the information necessary to comply with the requirements of Article 10.~~

Article 7
Record-keeping

1. Member States shall ensure that entities referred to in Article 3(1) keep, for each interest representation activity that falls within the scope of that Article, records of the following:

   (a) the ~~identity or~~ name of the third country entity on whose behalf the activity is carried out, as well as the name of the third country whose interests are represented;

   (b) a description of the purpose of the interest representation activity;

   (c) contracts **related to the** ~~and key exchanges with the third country entity essential to understand the nature and purpose of the~~ interest representation activity, including **contracts with sub-contractors**, ~~where applicable~~**and** the records of ~~the means and extent of~~ any remuneration;

   (d) ~~information or material constituting a key component of the interest representation activity.~~

   (da) the written declaration provided by the entity on whose behalf the service is provided pursuant to Article 5.

2. Member States shall ensure that entities referred to in Article 3(1) keep the records referred to in paragraph 1 **of this Article at least** for **5** ~~4~~ years after the interest representation activity in question has ceased.

~~3. Member States shall ensure that entities referred to in Article 3(1) draw up, on an annual basis, the following:~~

~~(a) a list of all third country entities on whose behalf they have carried out interest representation activities in the preceding financial year;~~

~~(b) a list of the aggregated annual amount received in respect of the activities that fall within the scope of Article 3(1) in the preceding financial year per third country.~~

~~4. Member States shall ensure that entities referred to in Article 3(1) keep records of the information referred to in paragraph 3 for 4 years.~~

Article 8
Legal representative

1. Member States shall require entities referred to in Article 3(1) that are not established in the Union to designate, in writing, a natural or legal person as their legal representative in one of the Member States where they carry out interest representation activities.

2. Member States shall ensure that the legal representative is responsible for ensuring compliance ~~by the registered entity~~ with ~~its~~ **the** obligations pursuant to this Directive and is the addressee of all communications by competent national authorities with the relevant entity pursuant to Article 15. Any communication to that legal representative shall be deemed to be a communication to the represented entity.

3. Member States shall ensure that the legal representative may be held liable for non-compliance with obligations under this Directive by the entity it represents, without prejudice to the liability and legal actions that could be initiated against that entity. ~~Member States shall ensure that entities referred to in Article 3(1) provide their legal representative with necessary powers and sufficient resources to guarantee efficient and timely cooperation with the Member States' competent authorities, and to ensure the compliance with their decisions.~~

Article 9
National registers

1. Each Member State shall ~~set up and~~ maintain one or ~~several~~ **more** national registers for the purpose of ensuring transparency of interest representation activities carried out by entities referred to in Article 3(1).

1a. For the purposes of paragraph 1 of this Article, Member States may make use of existing national registers **provided**~~where~~ they meet the requirements set out in paragraphs 2~~,~~ **and** 3 ~~and 4~~ of this Article and in Article 10, Article 11 and Article 12.

2. The national register or, as relevant, registers shall be maintained by **an authority or** authorities responsible for the national **register** ~~registers~~. ~~For the processing of personal data, such authorities shall act as controllers within the meaning of Article 4, point (7) of Regulation (EU) 2016/679~~.

3. Member States shall ensure that the national registers referred to in paragraph 1 **present information in a** ~~are set up and maintained in such a way as to ensure a~~ neutral, factual and objective **manner**~~presentation of the information contained therein~~.

~~4. Member States shall ensure that the authorities responsible for the national registers maintain logs of personal data processing operations within the national register. Those logs shall be deleted after a period of 1 year and may be used only for monitoring the lawfulness of access to personal data and for ensuring integrity and security of such data.~~

Article 10
Registration

1. Member States shall ensure that an entity referred to in Article 3(1) established in their territory registers in **at least one of the** ~~a~~ national register**s referred to Article 9(1)** at the latest ~~when~~ **at** the **start of any** interest representation activities ~~are commenced~~.

~~Member States operating multiple national registers shall ensure that the respective scope of each national register is clearly defined, that such registers cover all entities that are required to register pursuant to the first subparagraph of this Article and that entities referred to in Article 3(1) may obtain information regarding which of the national registers they are required to register in.~~

2. If an entity referred to in Article 3(1) is established in more than one Member State, it shall register in the Member State of its main establishment.

3. If an entity referred to in Article 3(1) is not established in the Union, ~~it shall register in the Member State where~~ its legal representative designated pursuant to Article 8 **shall ensure that the entity is registered in the Member State where the legal representative** is established or, in the absence of a place of establishment, **where it** has ~~his or her~~ **its** permanent address or **where it** usually resides.

4. Member States shall ensure that, for the purpose of registration, an entity is required to submit ~~only~~ **at least** the information set out in Annex I.

5. Member States shall ensure that before submitting the information pursuant to paragraph 4 **of this Article**, entities are informed that the information will be published in accordance with Article 12 and that they may request not to have the information published in accordance with Article 12(3).

6. Member States shall ensure that registered entities submit the ~~following information:~~

~~(a) within a reasonable period of time,~~ changes or additions to the ~~data~~ **information provided pursuant to paragraph 4 within a reasonable period of time and no later than one ~~three~~ month from the date when the changes or additions occurred, and, with regards the information referred to in Annex I point 2 (c), annually. However, any changes with regards to information related to the third countries on whose behalf the registered entity is acting or related to the Member States in which the interest representation activitiy is carried out, shall be reported, at the latest, at the start of the relevant interest representation activity.**~~provided pursuant to Annex I, point 1, points (a), (b), (f)(i) and (f)(ii);~~

~~(b) annually, changes or additions to the data provided pursuant to paragraph 4 not covered by point (a)~~

~~7. Member States shall ensure that registered entities that no longer qualify as entities referred to in Article 3(1) are able to notify that fact to the authority responsible for the relevant national register in which they are registered and ask to be removed from that register. When an entity referred to in Article 3(1) is required, pursuant to paragraphs 2 or 3, to register in a national register other than the one in which it is registered, it shall notify that fact to the authority responsible for the relevant national register and ask to be removed from that register.~~

~~That authority shall process the request within 5 working days and remove the registered entity from the national register if it considers that the entity no longer qualifies as an entity referred to in Article 3(1) or, as the case may be, should no longer be registered in the register for which it is responsible. The decision of the authority responsible for the relevant national register shall be subject to administrative and judicial redress in the Member State of registration.~~

~~8. Member States shall ensure that registration, updates, requests to be removed from the register and requests pursuant to Article 12(3) can be made by electronic means and are free of charge.~~

~~9. Where necessary to ensure that the information provided for the purposes of registration continues to allow the authorities responsible for the national registers to correctly and precisely identify the third countries on whose behalf interest representation is being carried out and how much is being spent on those activities, the Commission is empowered to adopt delegated acts in accordance with Article 23 to amend Annex I by modifying the list of information to be provided for the purpose of registration in the light of developments in the market for interest representation services, opinions, recommendations and reports issued by the advisory group established pursuant to Article 19, or, where available, relevant international and European standards and practices. Personal data fields set out in Annex I shall be modified only where necessary to ensure a proper identification of the entities and the interest representation activities referred to in Article 3(1).~~

Article 11
Registration procedure

1. Member States shall ensure that the authority **or authorities** responsible for the national register ensures that for each registration submitted pursuant to Article 10(4), all the elements set out in Annex I have been provided and do not contain manifest errors.

A corresponding entry shall be included ~~by the authority responsible~~ in **the** ~~its~~ national register ~~within 5~~ **no later than 15** working days from the submission of the registration **which is complete and without manifest errors** ~~unless a request pursuant to paragraph 2 has been made~~. **Where a submission needs to be completed or corrected, that time period shall be suspended until the entity completes or rectifies its submission.**

~~2. Where the information provided for the purposes of registration is incomplete or contains manifest errors, the authority responsible for the national register shall ask the entity to complete or rectify its submission. Within 5 working days of receiving a response from the entity in question, the authority responsible for the national register shall either include a corresponding entry in its national register, or refuse to make such an entry and inform the~~

~~entity in question why the submission remains incomplete or contains manifestly incorrect information.~~

3. Once an entry is included in the national register, the registered entity ~~shall immediately and at the latest within 5 working days receive a confirmation of registration from the authority responsible for the national register and~~ shall be **immediately** issued with a unique EIRN~~, and a digital copy of the information included in the national register. The EIRN shall be~~ in the format set out in Annex II.

4. Member States shall ensure that each new registration is **immediately** notified ~~by the authority responsible for the national register of the Member State of registration~~ to the ~~national~~ **authority or** authorities **responsible for the national register** ~~designated pursuant to Article 15(1)~~ of the **other** Member States **in which the interest representation activity will be carried out,** indicated in the registration ~~pursuant to Annex I, point 2(e) immediately and at the latest within 5 working days from the entry in the national register~~. ~~Such~~ **Notifications** shall also **be sent** ~~take place~~ where, pursuant to Article 10(6), a registered entity submits a change or an addition to the information referred to in Annex I, point 2(e). **These** notification**s** shall contain **all the elements specified in Annex I,** ~~the name of the registered entity, its~~ **the** EIRN **of the concerned entity** and a link to the national registers where the registration took place. **The notification shall include information on whether the entity has requested a derogation pursuant to Article 12(3) in that Member State.**

5. Member States shall provide that **authority or** authorities responsible for ~~maintaining~~ the national **register** ~~registers~~ in the Member State receiving the notification referred to in paragraph 4 include, in the relevant register, the information laid down in that notification immediately ~~and at the latest within 5 working days~~. ~~Information on the registered entity shall not be made public if, in the relevant national register of the Member State of registration, that information is the object of a derogation from publication in accordance with Article 12(3).~~

6. Registered entities shall not be subject to any further registration ~~requirements~~ in any other Member State for activities falling within the scope of Article 3(1).

6a. Member States shall ensure that national rules provide for a procedure to allow registered entities that no longer qualify as entities referred to in Article 3(1) to be removed from their national register. The authority or authorities responsible for the national register shall notify the authorities of the other Member States in which the interest representation activity is carried out of such requests and subsequently, of the decision taken.

6b. Member States shall ensure that registration, updates, requests to be removed from the register and requests pursuant to Article 12(3) can be made by electronic means.

7. **Member States shall ensure that national rules provide for judicial redress possibilities against actions or omissions** ~~Acts taken~~ by the **authority or** authorities responsible for the national **register** ~~registers~~ pursuant to **this Article** ~~paragraphs 1 to 5, including refusals to make an entry in the register or to issue an EIRN, shall be subject to administrative and judicial redress. This shall also apply to failures to act in accordance with these paragraphs~~.

~~8. Where a supervisory authority has reliable information that an entity failed to register pursuant to paragraphs 1 to 3 of Article 10 in a register for which it has jurisdiction pursuant~~

~~to Article 15(3), it may ask that entity to provide the information strictly necessary to establish whether the entity falls within the scope of Article 3(1).~~

~~9. Where a supervisory authority has reliable information of possible non-compliance by an entity registered in a register for which it has jurisdiction pursuant to Article 15(3) with the obligations provided for in the national provisions adopted pursuant to Article 10, such as providing inaccurate information in the registration, it may ask that entity to provide the information referred to in Article 7 to the extent necessary to investigate the possible non-compliance.~~

~~10. The request referred to in paragraphs 8 and 9 shall include the following information:~~

~~(a) a statement of the reasons for investigating the possible non-compliance;~~

~~(b) the information sought and why it is necessary to investigate the possible non-compliance;~~

~~(c) information on the judicial review procedures available.~~

~~11. The entity to whom the request is made shall provide, within 10 working days, the information requested pursuant to paragraphs 8 and 9 in a complete and accurate manner.~~

~~12. The requests referred to in paragraphs 8 and 9 shall be subject to judicial review procedures in the Member State of the supervisory authority which makes the request.~~

Article 12
Public access

1. Member States shall **ensure that, for each registration submitted pursuant to Article 10(4) or notification received pursuant to Article 11(4),** ~~make~~ the following information **is made** ~~contained in the national register related to a registered entity~~ publicly available **in their national register**:

   (a) **all** information provided ~~by the registered entity~~ in accordance with Annex I, **with the exception of** point 1, point **(g) and, in case of a natural person, also point 1, points (b), (c),** ~~(a), (e), (f)(i),~~ (f)(ii) **and f(iii)** ~~(h), (i), (j) and (k) and point 2, points (a)(i), and points (b) to (h)~~;

   (b) the EIRN issued pursuant to Article 11(3);

   (c) the date of registration;

   (d) the date of the last update of the information referred to in point (a) of this paragraph.

   The publication of the annual amount provided by the registered entity in accordance with Annex I, point 2~~, points~~ (c) shall be published according to the grid set out in Annex III.

2. Member States shall ensure that the information referred to in paragraph 1 is presented in a format which is easily accessible and machine readable, clearly visible and user-friendly, including through the use of plain language. ~~The information shall be made available in a searchable manner in at least one official language of the Member State of registration and~~

~~in an official language of the Union that is broadly understood by the largest possible number of citizens in the Union.~~

3. Member States shall ensure that entities referred to in Article 3(1) are able to **request** ~~apply for~~ a derogation from the publication referred to in paragraph 1 **of this Article** by duly reasoned request **justified on grounds of a legitimate interest**. ~~The supervisory authority shall take a decision limiting partially or fully public access where the requesting entity demonstrates, taking into account the circumstances of the individual case, that to do so is justified on grounds of a legitimate interest, including a serious risk that the publication would expose an individual to a violation of their fundamental rights, in particular as protected under Article 1, Article 2, Article 3, Article 4 or Article 6 of the Charter of Fundamental Rights of the European Union. Otherwise, the supervisory authority shall take a decision rejecting the request~~.

3a. Decisions taken following a request made under paragraph 3 shall be notified to the authority or authorities responsible for the national register of the other Member States in which the interest representation activity will be carried out.

4. ~~Any~~ **Decisions** taken **following a request made under** ~~pursuant to~~ paragraph 3 shall be subject to judicial redress in the Member State **in which the derogation has been requested** ~~of registration~~. Member States shall ensure that any review procedures, including judicial redress, are carried out within a reasonable period of time and that a final decision is taken promptly.

5. Member States shall ensure that, from the moment the request pursuant to paragraph 3 is made until the decision has become final, the information to which the request relates is not made public.

~~6. Member States shall ensure that where a decision referred to in paragraph 3 has become final, the entry in the national register to which that decision relates indicates, as the case may be, that public access has been partially or fully limited.~~

Article 13
Publication of aggregated data

1. Starting on **30 June …**~~31 March~~ [year after the transposition deadline **of this Directive**], and by **30 June** ~~31 March~~ of each subsequent year, **the Commission** ~~each Member State~~ shall publish~~, and transmit to the Commission,~~ a report **on interest representation on behalf of third countries carried out in the Union containing** ~~based on the information provided by the entities registered in their national registers. This report shall contain only~~:

~~(a)~~ aggregated data on the annual amounts per third country in the preceding **calendar** ~~financial~~ year~~. That aggregated data should be based on the information provided pursuant to Annex I, point 2, points (b) and (c)~~;

~~(b) aggregated data on the annual amounts per category of organisation for each third country in the preceding financial year. That aggregated data should be based on the information provided pursuant to Annex I, point 1, point (h) and point 2, point (b) and (c);~~

~~(c) total number of third country entities that can be attributed to a specific third country. That aggregated data should be based on the information provided pursuant to Annex I, point 2, point (b);~~

~~(d) a list of the third countries that fulfil the criteria set out in Article 16(3), point (b)(ii).~~

2. **Starting on 31 March …[year after the transposition deadline of this Directive], and by 31 March of each subsequent year, each Member State shall transmit to the Commission the information referred to in Annex I that is provided by the entities registered in their national registers in the preceding calendar year.** ~~On the basis of the data transmitted by the Member States pursuant to paragraph 1, the Commission shall, by 31 May of each year, publish a summary of the data received and list the third countries that fulfil the criteria laid down in Article 16(3), point (b)(i).~~

~~3. Where necessary to ensure that the information provided in the reports published by Member States continues to provide the public with aggregate data necessary to understand the scope, scale and means of interest activities carried out by entities falling within the scope of Article 3(1), and to ensure that the list of third countries that fulfil the criteria laid down in Article 16(3), point (b), can be established, the Commission is empowered to adopt delegated acts in accordance with Article 23 to amend paragraph 1 by modifying the list of information to be included in the reports published by Member States in the light of developments in the market for interest representation services, opinions, recommendations, and reports issued by the advisory group established pursuant to Article 19, or, where available, relevant international standards and practices.~~

Article 14
Information for public officials

1. ~~Member States shall ensure that registered~~ **Registered** entities **shall** provide the EIRN in their contacts with public officials when carrying out the activities referred to in Article 3(1).

~~2. Member States shall ensure that where registered entities make use of subcontractors, the subcontractors provide the EIRN of the registered entity in their contacts with public officials when carrying out the activities referred to in Article 3(1).~~

CHAPTER III – SUPERVISION AND ENFORCEMENT

Article 15
Supervisory ~~*Competent national*~~ *authorities*

1. Each Member State shall designate **one or more supervisory authorities responsible for the supervision of the compliance with and enforcement of the obligations laid down in this Directive.** ~~:~~

~~(a) one or more authorities responsible for the national registers;~~

~~(b) one or more supervisory authorities.~~

2. Each supervisory authority shall have access to the national **register or** registers ~~under its responsibility~~ **within its Member State** for the purpose of supervising the compliance with and enforcing the obligations set out in this Directive as well as exchanging information with the supervisory authorities in other Member States ~~and the Commission, where authorised to do so under this Directive~~.

3. Each supervisory authority shall have jurisdiction over the entities referred to in Article 3(1) that are **carrying out interest representation activity targeted at the public officials of its Member State. When the interest representation activity is targeted at** ~~required to register pursuant to Article 10(1), (2) and (3) in the national registers under its responsibility~~. **Union officials, the supervisory authority of the Member State in which the seat of the relevant Union institution, body, office, or agency is located shall have jurisdiction. When it cannot be determined which public officials are targeted by the interest representation activity, the supervisory authority of the Member State in whose register the entities referred to in Article 3(1) are required to register pursuant to Article 10(1) - (3) shall have jurisdiction.**

~~4. Where an entity referred to in Article 3(1) has not designated a legal representative in accordance with Article 8(1), any supervisory authority in a Member State where the entity carries out an interest representation activity shall have jurisdiction.~~

5. Where a Member State designates more than one supervisory authority, it shall ensure that the tasks of each of those authorities are clearly defined and that they cooperate closely and effectively when performing their tasks. Member States shall identify the supervisory authority to which communications may be addressed for transmission to the appropriate authority within that Member State.

6. Member States shall ensure that the supervisory authority is independent in the exercise of its functions. ~~In particular, Member States shall ensure that the staff in supervisory authorities acting in the exercise of their powers pursuant to this Directive:~~

~~(a) are able to perform their duties independently, free from political and other external influence, and neither seek nor take instructions from government or any other public or private entity;~~

~~(b) refrain from taking any action which is incompatible with the performance of their duties and the exercise of their powers under this Directive.~~

7. Member States shall ensure that the ~~national~~ authorities designated pursuant to paragraph 1 have all necessary means to carry out the tasks assigned to them under this Directive, including sufficient technical, financial and human resources.

8. Member States shall ensure that **their supervisory authorities carry** ~~in carrying~~ out the tasks assigned to them under this Directive~~,~~ **in a way that minimises the risk of** ~~the national authorities designated pursuant to paragraph 1 ensure that no adverse consequences, such as~~ stigmatisation **for the entities concerned.**~~, arise from the mere fact that an entity is a registered entity or has been subject to a request pursuant to Article 16(3).~~ **Requests for information by the supervisory authorities shall be proportionate and limited to the purpose of monitoring and assessing compliance with this Directive.**

9. Member States shall ensure that the national authorities designated pursuant to paragraph 1 make available to the public information and explanation concerning the application of this Directive, as well as the opinions, recommendations or reports adopted by the advisory group pursuant to Article 19(6).

10. By [one year after the entry into force], Member States shall notify the Commission and the other Member States of the competent national authorities designated pursuant to paragraph 1. The Commission shall publish a list of the competent national authorities.

Article 16
Information requests

1. Member States shall ensure that the power of supervisory authorities to request entities referred to in Article 3(1) to provide information is limited by the conditions laid down in paragraphs 2 to 9 of this Article.

2. A request pursuant to this Article may only be made by the supervisory authority with jurisdiction over the entity in question.

3. Except in cases referred to in Article 11(8) and (9), a request can only be made in the following cases and must be limited to the records kept in accordance with Article 7:

(a) the registered entity received an annual amount that exceeds EUR 1 000 000 for a single third country entity in the preceding financial year;

(b) the actions of the third country entity on whose behalf the registered entity is acting are attributable to a third country that has spent, in one of the five preceding financial years, and taking into account all third country entities whose actions can be attributed to this third country, an aggregate annual amount that exceeds either of the following:

(i) EUR 8 500 000 on interest representation activities in the Union;

(ii) EUR 1 500 000 on interest representation activities in a single Member State;

unless the registered entity falls within the scope of Article 3(1), point (a), and received an aggregate annual amount for all activities falling within the scope of this Directive that is inferior to EUR 25 000 in the preceding financial year.

4. The request referred to in paragraph 3 shall contain the following elements:

(a) a statement indicating which one of the conditions set out in paragraph 3 is fulfilled;

(b) the records requested;

(c) information on the judicial review procedures available.

5. Where a supervisory authority other than the supervisory authority of the Member State of registration considers that any of the conditions set out in paragraph 3 are met, it may ask

~~the supervisory authority of the Member State of registration to request records kept in accordance with Article 7 from the registered entity.~~

~~6. Upon receipt of a request pursuant to paragraph 5 and if it considers that the conditions laid down in paragraphs 3 are met, the supervisory authority of the Member State of registration shall make a request in accordance with paragraph 3 and transmit the information received to the requesting supervisory authority. If the supervisory authority of the Member State of registration has, within the previous 12 months, made a request in accordance with paragraph 3 covering the same information from the same registered entity, it shall transmit the information to the requesting supervisory authority without having to make a new request.~~

~~If the supervisory authority of the Member State of registration considers that the conditions laid down in paragraph 3 are not met, it shall provide the requesting supervisory authority with a reply explaining the reasons for not requesting or transmitting the information in question.~~

~~7. The entity to whom the request is made shall provide, within 10 working days, the complete information requested pursuant to point (b) of paragraph 4 in a clear, coherent and intelligible format.~~

~~8. The requests referred to in paragraph 3 shall be subject to judicial review procedures in the Member State of the supervisory authority which makes the request.~~

~~9. Where necessary to ensure that supervisory authorities may request records from entities that are particularly likely to influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union or a Member State, the Commission is empowered to adopt delegated acts in accordance with Article 23 to amend the financial thresholds set out in paragraph 3 in the light of developments in the market for interest representation activities, or of opinions, recommendations or reports issued by the advisory group established pursuant to Article 19, or, where available, developments of the relevant international standards and practices.~~

Article 17
Cross-border cooperation

1. Member States shall ensure that their supervisory authorities cooperate **and exchange information** with the supervisory authorities of all other Member States as necessary.

2. Member States shall ensure that where a supervisory authority has reason to suspect that an entity falling within the jurisdiction of a supervisory authority of another Member State does not comply with its obligations under this Directive, it notifies the supervisory authority of that Member State.

3. A notification pursuant to paragraph 2 shall be duly reasoned and proportionate and at least indicate:

   (a) the information allowing the identification of the entity;

   (b) a description of the relevant facts, the relevant provisions of this Directive and the reasons why the notifying authority suspects an infringement of this Directive**.**~~;~~

The notification may include any other information that the notifying authority considers relevant, including, where appropriate, information gathered on its own initiative.

3a. Member States shall ensure that where a supervisory authority has reliable information that an entity falling within its jurisdiction but registered in another Member State does not comply with its obligations under this Directive, it notifies the supervisory authority of the Member State of registration and may request information as necessary.

Member States shall also ensure that when its supervisory authority receives such a request for information, it provides the requested information in their possession without undue delay.

~~4. Member States shall ensure that where a supervisory authority receives a notification pursuant to paragraph 2, it shall, without undue delay and no later than 1 month following receipt of the notification, communicate its assessment of the suspected infringement to the supervisory authority from whom the notification was received and, where appropriate, provide further information on the investigatory or enforcement measures taken, or envisaged, in accordance with Article 11(8) or (9) and Article 22 in order to ensure compliance with this Directive.~~

~~5. Where the supervisory authority of the main establishment does not have sufficient information to act upon a notification referred to in paragraph 2, it may request additional information from the competent authority that made the notification.~~

6. The administrative cooperation and exchanges of information between the national authorities ~~designated pursuant to Article 15(1),~~ ~~as well as the supervisory authorities and the Commission, pursuant to paragraphs 2, 4 and 5~~, **pursuant to this Article and to** Article 11(4), **Article 11(6a), Article 12(3a),** ~~Article 16(5) and (6), and Article 18~~**, as well as transmission of information to the Commission pursuant to Article 13(2),** ~~of this Directive,~~ shall be **carried out** ~~implemented~~ through the IMI system established by Regulation (EU) No 1024/2012.

~~*Article 18*~~

~~*Cross-border information sharing between supervisory authorities*~~

~~1. Member States shall ensure that supervisory authorities are competent to request the following information from the supervisory authorities of another Member State, where such information is necessary for the purpose of exercising cross-border cooperation as referred to in Article 17(2):~~

~~(a) information provided by a registered entity in accordance with Article 10(4);~~

~~(b) any analyses carried out by a supervisory authority on the basis of the information referred to in point (a).~~

~~2. Member States shall ensure that upon receipt of a request pursuant to paragraph 1, the supervisory authority of the Member State of registration shall transmit the information to the requesting supervisory authority, unless it considers that the requirements of paragraph 1 are not met, in which case it shall provide the requesting supervisory authority with a reply explaining the reasons for not providing the information in question.~~

~~3. Member States shall ensure that the supervisory authorities provide the Commission, on its request, with aggregate data based on the information provided by registered entities in accordance with Article 10(4) for the purpose of monitoring the implementation of this Directive, including for the preparation of meetings of the advisory group referred to in Article 19. Such aggregate data may contain personal data only to the extent that is necessary to ensure effective monitoring. Where technically possible, the information shall be transmitted in a machine-readable format.~~

~~4. When processing personal data pursuant to paragraphs 1 to 3, the supervisory authorities shall act as controllers within the meaning of Article 4, point 7 of Regulation (EU) 2016/679, and the Commission shall act as a controller within the meaning of Article 3, point 8 of Regulation (EU) 2018/1725 with respect to their own data processing activities.~~

Article 19
Advisory group

1. An advisory group is established.

2. The advisory group shall assist the Commission ~~in the following tasks~~ **by**:

   (a) **faciliting** ~~facilitate~~ exchanges and sharing of information and best practices as well as advise on possible guidance on the implementation of this Directive in particular regarding Article 2~~(4)~~, point **(4)**(b), Article 3(1) and Article 20;

   (b) **faciliting** ~~facilitate~~ exchanges and sharing of information and best practices on the specific needs of micro, small and medium-sized enterprises within the meaning of Article 3 of Directive 2013/34/EU **for complying with this Directive**;

   ~~(c) advise on recommended formats for the publication of aggregated data pursuant to Article 13;~~

   ~~(d) report to the Commission any divergences in the application of this Directive;~~

   (e) **advising** ~~advise~~ on the recommended technical infrastructure of the national registers ~~set up and~~ maintained pursuant to Article 9.

3. Each Member State shall nominate **up to two** ~~one~~ representative**s** and **up to two** ~~one~~ alternate representative**s**, who shall represent the supervisory authorities designated pursuant to Article 15 **or the competent authorities responsible for national register**.

4. Representatives of the European Parliament, or of the European Free Trade Association States that are contracting parties to the Agreement on the European Economic Area[17], may be invited to attend meetings of the advisory group as observers.

5. The Commission shall chair the advisory group and provide its secretariat. The advisory group shall adopt its rules of procedure.

---

[17] Agreement on the European Economic Area (OJ L 1, 3.1.1994, p. 3, ELI: http://data.europa.eu/eli/agree_internation/1994/1/oj).

6. The advisory group shall adopt its opinions, recommendations or reports in the context of its tasks set out in paragraph 2 by a simple majority of its members.

Article 20
Prohibition of circumvention

Member States shall ensure that it is prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the obligations set out in this Directive.

Article 21
Reporting of breaches and protection of reporting persons

Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937 applies to the reporting of breaches of this Directive and the protection of persons reporting such breaches.

Article 22
Penalties *~~Sanctions~~*

1. Member States shall lay down rules on **penalties** ~~sanctions, limited to administrative fines,~~ for infringements of national provisions adopted to transpose **Articles 5,** ~~Article~~ 6, ~~Article~~ 7, ~~Article~~ 8, ~~Article~~ 10, ~~Article~~ 11, ~~Article~~ 14, ~~Article 16~~ and ~~Article~~ 20 by entities referred to in Article 3(1) or where ~~appropriate~~ **applicable**, their legal representative. Those rules shall comply with paragraphs 2 to **5~~6~~ of this Article**.

   Penalties ~~Sanctions~~ shall be imposed by the supervisory authority with jurisdiction over the entity concerned or by a judicial authority at the request of that supervisory authority.

2. The maximum amount of ~~the~~ financial **penalties** ~~sanction referred to paragraph 1~~ that may be imposed shall be, for **legal entities** ~~undertakings~~, **up to 6** ~~1~~ % of the annual worldwide turnover in the preceding financial year, or ~~for other legal entities,~~ **up to 6** ~~1~~% of the annual budget of the entity in accordance with the most recent financial year closed**, whichever is higher,** and for natural persons, ~~**6% of their annual income**~~ **up to** EUR **50** 000.

3. The **penalties** ~~sanctions~~ shall in each individual case be effective, proportionate and dissuasive, having regard, in particular, to the nature, recurrence and duration of the infringement to which those measures relate, as well as, where relevant, the economic, technical and operational capacity of the entity ~~referred to in Article 3(1)~~ that committed the infringement.

~~4. Before imposing sanctions, the supervisory authority shall issue a warning or a reprimand to the entity concerned to the effect that it is likely to infringe or has infringed provisions of this Directive, except if such infringement amounts to a violation of Article 20.~~

5. Member States shall ensure that the exercise by the supervisory authority of its powers pursuant to this Article shall be subject to appropriate safeguards in accordance with Union and Member State legislation, including the right to an effective judicial remedy and to a fair trial.

CHAPTER IV – FINAL PROVISIONS

~~*Article 23*~~
~~*Exercise of the delegation*~~

~~1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.~~

~~2. The power to adopt delegated acts referred to in Article 10(9), Article 13(3) and Article 16(9) shall be conferred on the Commission for an indeterminate period from [the date of entry into force of the Directive].~~

~~3. The delegation of power referred to in Article 10(9), Article 13(3) and Article 16(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.~~

~~4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.~~

~~5. As soon as it adopts a delegated act, the Commission shall notify that act simultaneously to the European Parliament and to the Council.~~

~~6. A delegated act adopted pursuant to Article 10(9), Article 13(3) and Article 16(9) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.~~

Article 24
Amendment to Directive (EU) 2019/1937

Directive (EU) 2019/1937 is amended as follows:

1. in Article 2(1), point (a) the following ~~new~~ point ~~(xi)~~ is added:

   ‘(xi) internal market rules related to transparency **of interest representation** ~~and good governance~~;’;

2. in the Annex, in Part I, the following ~~new~~ point ~~(K)~~ is added:

   ‘K. Point (a)(xi) of Article 2(1) — internal market rules related to transparency **of interest representation** ~~and good governance~~:

Directive (EU) XXXX/XXXX of the European Parliament and of the Council of XXXX establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937 (OJ**, L, …, …, ELI: …** ~~reference~~).'.

Article 25
Reports and review

1. At the latest by ***…****[12 months after the transposition deadline* ***of this Directive]***, the Commission shall present a report on the implementation of this Directive to the European Parliament, the Council and the European Economic and Social Committee.

2. At the latest by ***…****[4 years after the transposition deadline* ***of this Directive]***, the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.

   That evaluation shall assess the effectiveness and proportionality of the Directive. It shall assess among others the need for changes to the scope and the effectiveness of the safeguards provided in the Directive, **and the related administrative burden**. It may, where appropriate, be accompanied by relevant legislative proposals.

3. Member States shall provide the Commission with the information necessary for the preparation of the reports referred to in paragraphs 1 and 2.

Article 26
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ***…****[thirty six* ~~*eighteen*~~ *months after the* ***date of the*** *entry into force* ***of this Directive]*** at the latest. They shall **immediately** ~~forthwith~~ communicate to the Commission the text of those provisions.

   When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

3. In the case of those Member States which have not adopted the euro, the amount in national currency equivalent to the amounts set out in this Directive shall be that obtained by applying the exchange rate published in the *Official Journal of the European Union* as at the date of the entry into force of any Directive setting those amounts.

   For the purposes of conversion into the national currencies of those Member States which have not adopted the euro, the amounts in euro specified in this Directive may be increased or decreased by not more than 5 % in order to produce round sum amounts in the national currencies.

Article 26a
List of competent national authorities

Upon receipt of the notification of national laws transposing this Directive as referred to in Article 26 (1), the Commission shall publish a list of the competent national authorities including, where relevant, the supervisory authority identified by the Member States pursuant to Article 15(5) as the supervisory authority to which communications may be addressed.

Article 27
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Directive is addressed to the Member States.

Done at ~~Strasbourg~~**…**,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I
Information to be provided pursuant to Article 10

Regarding the entity **requesting registration**~~referred to in Article 3(1)~~:

name;

(i) for natural persons: the surname and first name;

(ii) for legal persons: the business name, and where different, the legal name of the entity;

the address ~~of the place of establishment~~;

phone number;

e-mail address;

where available, website relating to the entity's business;

if it is established outside the Union, the following information regarding its designated legal representative:

(i) name;

(ii) address;

(iii) phone number;

(iv) e-mail address;

(v) as relevant, the registration number of the legal representative in a business register or a comparable identifying code;

if the entity is a legal person, the surname, first name and e-mail address of the person legally responsible for the entity and, where different, the surname, first name and e-mail address of the natural person designated as operational contact;

~~the category that most closely resembles the organisational setup of the entity:~~

~~(i) academic institutions;~~

~~(ii) companies and groups;~~

~~(iii) law firms;~~

~~(iv) non-governmental organisations, platforms and networks;~~

~~(v) professional consultancies;~~

~~(vi) self-employed individuals;~~

~~(vii) think tanks and research institutions;~~

~~(viii) trade and business associations;~~

~~(ix) trade unions and professional associations;~~

~~(x) other organisations, public or mixed entities;~~

~~if the entity is registered in another national transparency register, its registration numbers;~~

~~the registration number of the entity in a business register or a comparable identifying code;~~

~~a description of the entity's main goals, remit and fields of interest;~~

~~whether the entity falls within the scope of Article 16(3), point (a).~~

Regarding the interest representation activity carried out:

(aa) the third country on whose behalf the entity is acting;

(a) the following information on each of the third country entities **referred to in Article 2 point (4)(b)** on whose behalf ~~the entity carries out~~ the interest representation activity **is carried out**;

(i) name;

(ii) the address ~~at which the third country entity carries on business or, for natural persons, the address at which they ordinarily reside~~;

(iii) ~~a description of the entity's main goals, remit and field of interest~~;

(iv) where available, the registration number of the third country entity in a business register or a comparable identifying code;

~~the third country on whose behalf the third country entity is acting;~~

the annual amounts covering ~~all~~ **interest representation activities per third country entity represented, excluding where applicable, the annual amounts paid to subcontractor~~sed~~**. ~~the tasks carried out with the objective of influencing the development, formulation or implementation of the same proposal, policy or initiative indicated pursuant to point (g), according to the grid below, for a full year of operations referring to the most recent financial year closed, as of the date of registration or the date of the annual update of the registration details;~~

~~**Bracket size of annual amounts, in euros:**~~
~~< 10 000~~
~~10 000 to < 25 000~~
~~25 000 to < 50 000~~
~~50 000 to < 100 000~~
~~100 000 to < 200 000~~

~~200 000 to < 300 000~~
~~300 000 to < 400 000~~
~~400 000 to < 500 000~~
~~500 000 to < 600 000~~
~~600 000 to < 700 000~~
~~700 000 to < 800 000~~
~~800 000 to < 900 000~~
~~900 000 to < 1 000 000~~
~~1 000 000 to < 1 250 000~~
~~1 250 000 to < 1 500 000~~
~~1 500 000 to < 1 750 000~~
~~1 750 000 to < 2 000 000~~
~~2 000 000 to < 2 250 000~~
~~2 250 000 to < 2 500 000~~
~~2 500 000 to < 2 750 000~~
~~2 750 000 to < 3 000 000~~
~~3 000 000 to < 3 500 000~~
~~3 500 000 to < 4 000 000~~
~~4 000 000 to < 4 500 000~~
~~4 500 000 to < 5 000 000~~
~~≥ 5 000 000~~

a description of the interest representation activity and its estimated duration;

the Member States**, other than the Member State of registration,** in which the interest representation activity ~~is~~ **will be** carried out;

~~where applicable,~~ the names of:

(i) subcontractors; **or main contractor**;

(ii) ~~the media service providers and online platforms where advertisements are placed as part of the interest representation activity;~~

where applicable, the legislative proposals, policies or initiatives targeted by the interest representation activity;

~~Member States may provide that entities registering in their national register submit information on the public officials contacted.~~

ANNEX II
Format of the European Interest Representation Number

1. The European Interest Representation Number (EIRN) shall consist of the following four components, which must appear in the following order:

   (a) the abbreviation 'EIRN';

   the country code for the country in which the entity is registered:

   (i) for Member States the codes in the Inter-institutional style guide[18] are used;

   (ii) for EEA EFTA States ISO 3166 alpha-2 is used;

   where relevant, the abbreviation for the national register under ~~in~~ which the entity is registered, which:

   (i) must have at least one character, and at most three characters;

   (ii) may contain digits or letters;

   an ordinal number, which must be unique in the sense that there must not be more than one registration in the same register with the same ordinal number and the maximum length of the ordinal number is 10 characters.

All components shall be separated by a colon (':').

Except for those mentioned in point 2, an EIRN shall not contain any interspacing or punctuation marks, neither within the constituent components, nor between them.

Letters in all of the components must be Latin alphanumerical characters only.

Letters in the components shall be written in capitals letters.

An EIRN must not be extended with any other components.

[18] http://publications.europa.eu/code/en/en-370100.html

ANNEX III

Bracket size for the publication of the annual amounts provided by the registered entity

Bracket size of annual amounts generated per interest representation activity, in euros:
< 10 000
10 000 < 25 000
25 000 < 50 000
50 000 to < 100 000
100 000 to < 250 000
250 000 to < 500 000
500 000 to < 750 000
750 000 to < 1 000 000
1 000 000 to < 1 250 000
1 250 000 to < 1 500 000
1 500 000 to < 2 000 000
2 000 000 to < 2 500 000
2 500 000 to < 3 000 000
3 000 000 to < 3 500 000
3 500 000 to < 4 000 000
4 000 000 to < 4 500 000
4 500 000 to < 5 000 000
≥ 5 000 000