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Mr Antonio TAJANI
President

EUROPEAN PARLIAMENT

Dear President,

We write to you in order to inform the Conference of Presidents of recent developments regarding the negotiations for a tripartite Interinstitutional Agreement on the Transparency Register and to request its endorsement of our proposals as to how we think Parliament should proceed.

As you will recall, we presented to the Conference of Presidents at its meeting of 27 June 2018 a proposal for the adaptation of the negotiating mandate comprising a list of ten measures, drawn up in the framework of these negotiations, for Parliament to implement with the view to deepening the culture of transparency in the House. Importantly, these measures included a proposal for a voluntary public declaration for incoming Members to the new Parliament to commit to meet only with registered interest representatives, thereby giving effect to Rule 11.2 of our Rules of Procedure.

The Conference endorsed in principle the approach, on the condition that the Members' independent mandate was safeguarded, and we duly informed our negotiating partners at the Council and the Commission of this important step, signalling our readiness to reach a tripartite agreement.

Under considerable pressure, the Bulgarian Presidency had also made important concessions, agreeing to voluntarily commit Permanent Representatives and Deputy Permanent Representatives to meet only with registered interest representatives during the six months leading up to and the six months of their respective Presidencies.

We have now learned that at its meeting of 18 July 2018 the College of Commissioners decided that the proposed measures of both the Parliament and Council were insufficient as regards the "de facto" mandatory regime it had put forward in its draft IIA and that unless Parliament and Council were prepared to go further it would not be possible to proceed with finalising a tripartite IIA. The Commission has taken this step though it has itself refused to introduce any additional transparency measures or to consider alternatives to its original text such as a legislative proposal.

We of course regret this but it seems clear to us, not least given the legal constraints related to Members' independent mandate, that there is no legal space for further concessions by Parliament on conditionality at this point in time. This is also almost certainly the case for the Council.

Given these new circumstances, the question arises as to how we, as an Institution, should respond. Our view is that this response should be two fold.

First, Parliament should introduce the ten measures endorsed in principle by the Conference of Presidents on 27 June 2018. This would require decisions by the Bureau as the competent political body and possibly changes to the Rules of Procedure, as part of the review currently being undertaken by AFCO. Implementing these measures would, crucially, demonstrate, and irrespective of the interinstitutional negotiation process, Parliament's continued commitment to transparency and accountability towards citizens especially in the run up to next year's European elections.

Second, we are currently pursuing efforts to advance a meaningful IIA, not least by pushing to hold the next political round in early October. However, if the other Institutions are not able to demonstrate the same willingness we believe, as regards the negotiations themselves, that the three Institutions could agree to launch an internal reflection period on all the provisions of the draft IIA with the view to resuming negotiations once we have a new Parliament and new Commission and having gained valuable experience on any enhanced transparency regimes they might have introduced in the interim.

The Parliament has repeatedly called for the Council to join the Transparency Register scheme and our mandate calls for its meaningful participation. We would be disappointed to lose the progress achieved by the past two Presidencies. Part of Parliament's response should therefore be to call upon the Austrian Presidency to use the hiatus in the negotiations to implement the Council's proposed transparency measures without delay as well as to see how the Council's participation in the current Transparency Register scheme might be improved. We would also propose that the Commission (and Council) update their rules to ensure that EU officials from Head of Unit level upwards should only meet registered interest representatives, despite their previous reluctance.


In preparation for the political meeting, the two-fold response we outline above needs validation. We would be grateful, therefore, if this matter might be submitted to the Conference of Presidents concerning the negotiation process, and to the Bureau concerning decisions on the proposed unilateral application of measures inside Parliament.

We also intend to call a meeting of the Transparency Register Contact Group to inform them of these new developments.

Yours sincerely,



Sylvie Guillaume
Vice-President



Danuta Hübner
Chair of the Committee on Constitutional Affairs