

## European Commission Consultation on 'A code of conduct for interests representatives'

### ETRMA contribution

Brussels, 14 February 2008

Following our previous contribution to the Green Paper on the European Transparency Initiative (COM(2006)194) in August 2006, ETRMA is pleased to further comment hereafter the draft Code of Conduct for Interest Representatives.

We welcome the concision and clarity approach of the draft Code of Conduct and we are ready to comply with its transparency objectives.

ETRMA would however suggest taking the following into account for the final version of the Code of Conduct:

- "Interest representation":

ETRMA welcomes that the Commission recognises interest representation as a *"legitimate part of the democratic system"*. However we wish to point out that the definition given i.e. *"the activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions"* is partly valid as in being limited to "influencing", it does not recognise and cover the regular consultation made by EU institutions representatives at their own initiatives to get our opinion on policy proposals, more information on a specific industry activity or to obtain the sector views on trends and possible developments of the market for instance. Providing the requested feedback is a key part of the interest representation activities as well. We would therefore strongly request that this reality is reflected into the Code of Conduct.

- Principles:

The Code mentions that Members of the Commission and the staff of the European institutions are bound by the Treaty establishing the European Communities and the Staff Regulations. It would be useful to clarify whether the Code would apply to Commission officials only or to any European institutions delegates. The European Parliament having already its own code and admission procedure through a long-term pass, the proposed Code of Conduct should not be developed besides already existing ones but should be based on a common inter-institutional basis and be materialised through 1 single badge. The voluntary register once set up could be publicly consulted on-line through Internet as currently available on the European Parliament website.

- Other provisions: Publication of contributions

The European Commission procedure of public consultation has been running for several years. The disclosure of contributions received through Internet is mentioned from the day of opening of the consultation. As the confidentiality of the identity of the contributor and of the comments can be respected upon request, there is no added value of including a paragraph related to publication of contributions. More important would be to ensure that interest representatives listed in the register are automatically informed of any new EC consultation, which would be part of their sectors of activities.



- Additional proposal: Comitology procedure:

In application of ETRMA conception of “interest representatives” activities, we believe that transparency has to apply either for the institutions and for the interest representatives. Consequently facing the growing importance of comitology in the legislative procedure, we would require that interest representatives are mandatory consulted by the Commission prior any launching of a comitology procedure and are invited to provide their expertise to properly define relevant implementation measures. This could represent a further incentive for interest representatives to register.

ETRMA remains at the European Commission disposal to provide any additional information its services may require on this consultation.

Thank you for considering our comments.

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For further contact: Mrs F. Cinaralp, Secretary General  
Tel. 02/218 49 40, [info@etrma.org](mailto:info@etrma.org)

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