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EPHA Environment Network (EEN) response to the European Transparency Initiative (ETI) Green Paper

EPHA Environment Network (EEN) welcomes the opportunity to comment on the ETI Green Paper. EPHA Environment Network is a non-governmental organisation aiming at putting health concerns at the centre of the EU and international environmental policy agenda. With a diverse membership of more than 50 citizens', patients', women's, health professionals' and environmental organisations across Europe, EEN strives to promote transparency and openness in the EU decision-making process as essential tools for public access to information and participatory democracy.

EPHA Environment Network (EEN) supports the Alliance for Lobbying Transparency and Ethics Regulation in the EU (ALTER-EU) and the proposals made in the ALTER-EU contribution to this consultation, as well as supporting comments made by the Civil Society Contact Group and the European Public Health Alliance

• Do you agree that efforts should be made to bring greater transparency to lobbying?

We welcome the recognition in the Green Paper that there is insufficient transparency around the role of lobbying in EU decision-making and are pleased with the recognition of the widespread concern that "there is no level playing field in lobbying because the corporate sector is able to invest more financial resources in lobbying."

• Do you agree that lobbyists who wish to be automatically alerted to consultations by the EU institutions should register and provide information, including on their objectives, financial situation and on the interests they represent? Do you agree that this information should be available to the general public? Who do you think should manage the register?

For a functioning democracy to work, strong mechanisms for outside scrutiny of the decision-making process are essential. This includes the activities of lobbyists. We agree that all EU lobbyists, including the private sector and public interest NGOs, "should register and provide information, including their objectives, financial situation, and on the interests they represent". We also agree that this information should be available to the general public.

However, without a mandatory registration system, those that currently practice deceptive lobbying tactics, undermine the integrity of the democratic decision-making process by, for example, simulating public support for vested interests, or by disguising the financial links between vested interests and purported independent expert or legal advice.

In our day to day work, we unfortunately come across these kinds of activities and find it unacceptable that, in order to establish vested interest, conjectured assumption is our and the institutions' only recourse. Indeed, EPHA Environment Network have in the past used the United States Senate Office of Public Records, Lobby Filing Disclosure Program (<http://sopr.senate.gov/>), and various court proceedings of public record in order to triangulate particular assumptions on independent expert and legal advice.

Therefore the EU needs a system where all lobbyists, whether they represent private or public interests, register information on their activities, including names of their clients, sources of funding and their financial expenditure on individual pieces of EU legislation and policy. The public should have easy access to this data, so that it can be searched and filtered according to relevant criteria. We believe that the registration system has to be mandatory to serve as a deterrent against abuses, and the Green Paper proposal to use positive incentives such as “*automatic alerts to consultations*” seems insufficient in this respect.

Furthermore, the register should be managed by an independent public body with powers of control and enforcement.

- *Do you agree to consolidating the existing codes of conduct with a set of common minimum requirements? Who do you think should write the code?*

While we support the detailed recommendations made by ALTER-EU on the formulation of a codes of conduct, any such Code should be proposed by the Commission and agreed by the European Parliament and Council. In particular, the European Commission must take the lead in the development of a common code of conduct on standards in lobbying, and analyse why existing codes have failed to prevent, or at least limit, deceptive tactics to date.

- *In your view, has the Commission applied the general principles and minimum standards for consultation in a satisfactory manner?*

EEN welcomes the general principles and minimum standards for consultation adopted by the Commission as of January 2003.

In some cases, we found that these standards for consultation have not been respected or followed throughout the Commission, particularly in relation to providing background documents so that European platforms have adequate time to consult and provide genuine expertise to effectively participate in technical discussions, one example is the consultation on the revision of the Directive 91/414/EEC on the future of pesticides in Europe.

Therefore, EEN calls on the European Commission to strive for efficient implementation of the consultation standards, ensuring the best possible conditions for all stakeholders in terms of time limits, available background material and format of the consultation.

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