

# INTERINSTITUTIONAL AGREEMENTS

## **Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation**

THE EUROPEAN PARLIAMENT AND THE EUROPEAN COMMISSION ('the parties hereto'),

Having regard to the Treaty on European Union, in particular Article 11(1) and (2) thereof, the Treaty on the Functioning of the European Union, in particular Article 295 thereof, and the Treaty establishing the European Atomic Energy Community (hereinafter together referred to as 'the Treaties'),

Whereas European policy-makers do not operate in isolation from civil society, but maintain an open, transparent and regular dialogue with representative associations and civil society;

Whereas the parties hereto have reviewed the Transparency Register (hereinafter 'the register') established by the Agreement between the European Parliament and the European Commission of 23 June 2011 on the establishment of a transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation <sup>(1)</sup> pursuant to paragraph 30 of that agreement,

AGREE AS FOLLOWS:

### **I. PRINCIPLES OF THE REGISTER**

1. The establishment and operation of the register shall not affect or prejudice the objectives of the European Parliament as expressed in its resolution of 8 May 2008 on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions <sup>(2)</sup> and in its decision of 11 May 2011 on conclusion of an inter-institutional agreement between the European Parliament and the Commission on a common Transparency Register <sup>(3)</sup>.
2. The operation of the register shall respect the general principles of Union law, including the principles of proportionality and non-discrimination.
3. The operation of the register shall respect the rights of Members of the European Parliament to exercise their parliamentary mandate without restriction.
4. The operation of the register shall not impinge on the competences or prerogatives of the parties hereto or affect their respective organisational powers.
5. The parties hereto shall strive to treat all operators engaged in similar activities in a similar manner, and to allow for a level playing-field for the registration of organisations and self-employed individuals engaged in EU policy-making and policy implementation.

### **II. STRUCTURE OF THE REGISTER**

6. The structure of the register shall be as follows:
  - (a) provisions on the scope of the register, activities covered by the register, definitions, incentives and exemptions;
  - (b) sections for registration (Annex I);

<sup>(1)</sup> OJ L 191, 22.7.2011, p. 29.

<sup>(2)</sup> OJ C 271 E, 12.11.2009, p. 48.

<sup>(3)</sup> OJ C 377 E, 7.12.2012, p. 176.

- (c) information required from registrants, including financial disclosure requirements (Annex II);
- (d) code of conduct (Annex III);
- (e) alert and complaint mechanisms and measures to be applied in the event of non-compliance with the code of conduct, including the procedures for alerts and for the investigation and treatment of complaints (Annex IV);
- (f) implementation guidelines with practical information for registrants.

### III. SCOPE OF THE REGISTER

#### Activities covered

7. The scope of the register covers all activities, other than those referred to in paragraphs 10 to 12, carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions, irrespective of where they are undertaken and of the channel or medium of communication used, for example via outsourcing, media, contracts with professional intermediaries, think tanks, platforms, forums, campaigns and grassroots initiatives.

For the purpose of this agreement, 'directly influencing' means influencing by way of a direct contact or communication with the EU institutions or other action following up on such activities and 'indirectly influencing' means influencing through the use of intermediate vectors such as media, public opinion, conferences or social events, targeting the EU institutions.

In particular, those activities include:

- contacting Members and their assistants, officials or other staff of the EU institutions;
- preparing, circulating and communicating letters, information material or discussion papers and position papers;
- organising events, meetings, promotional activities, conferences or social events, invitations to which have been sent to Members and their assistants, officials or other staff of the EU institutions; and
- voluntary contributions and participation in formal consultations or hearings on envisaged EU legislative or other legal acts and other open consultations.

8. All organisations and self-employed individuals, irrespective of their legal status, engaged in activities, whether on-going or under preparation, covered by the register are expected to register.

Any activity covered by the register and which is developed under contract by an intermediary providing legal and other professional advice, shall entail eligibility for registration both for the intermediary and for its client. Such intermediaries shall declare all clients under such contracts as well as the revenue per client for representation activities as set out in Annex II at point II.C.2.b. This requirement does not exempt clients from registering and including in their own cost estimates the cost of any activities subcontracted to an intermediary.

#### Activities not covered

9. An organisation shall only be eligible to register if it carries out activities, covered by the register, which have resulted in direct or indirect communication with EU institutions. An organisation deemed non-eligible may be removed from the register.

10. Activities concerning the provision of legal and other professional advice are not covered by the register in so far as:

- they consist of advisory work and contacts with public bodies in order to better inform clients about a general legal situation or about their specific legal position, or to advise them whether a particular legal or administrative step is appropriate or admissible under the existing legal and regulatory environment;
- they consist of advice given to clients to help them ensure that their activities comply with the relevant law;
- they consist of analyses and studies prepared for clients on the potential impact of any legislative or regulatory changes with regard to their legal position or field of activity;

- they consist of representation in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before a judicial or administrative body; or
- they relate to the exercise of the fundamental right of a client to a fair trial, including the right of defence in administrative proceedings, such as activities carried out by lawyers or by any other professionals involved therein.

If a company and its advisers are involved as a party in a specific legal or administrative case or procedure, any activity relating directly thereto which does not seek as such to change the existing legal framework is not covered by the register. This subparagraph applies to all business sectors in the European Union.

However, the following activities concerning the provision of legal and other professional advice are covered by the register where they are intended to influence the EU institutions, their Members and their assistants or their officials or other staff:

- the provision of support, via representation or mediation, or of advocacy material, including argumentation and drafting; and
- the provision of tactical or strategic advice, including the raising of issues the scope of which and the timing of communication of which are intended to influence the EU institutions, their Members and their assistants or their officials or other staff.

11. Activities of the social partners as participants in the social dialogue (trade unions, employers' associations, etc.) are not covered by the register where those social partners perform the role assigned to them in the Treaties. This paragraph applies *mutatis mutandis* to any entity specifically designated in the Treaties to play an institutional role;

12. Activities in response to direct and individual requests from EU institutions or Members of the European Parliament, such as ad hoc or regular requests for factual information, data or expertise, are not covered by the register.

### Specific provisions

13. The register does not apply to churches and religious communities. However, the representative offices or legal entities, offices and networks created to represent churches and religious communities in their dealings with the EU institutions, as well as their associations, are expected to register.

14. The register does not apply to political parties. However, any organisations created or supported by them which are engaged in activities covered by the register are expected to register.

15. The register does not apply to Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions.

16. Regional public authorities and their representative offices are not expected to register, but can register if they wish to do so. Any association or network created to represent regions collectively is expected to register.

17. All sub-national public authorities other than those referred to in paragraph 16, such as local and municipal authorities or cities, or their representation offices, associations or networks, are expected to register.

18. Networks, platforms or other forms of collective activity, which have no legal status or legal personality but which constitute de facto a source of organised influence and which are engaged in activities covered by the register, are expected to register. Members of such forms of collective activity shall designate a representative to act as their contact person responsible for liaising with the 'Joint Transparency Register Secretariat' (JTRS).

19. The activities to be taken into account for assessing eligibility to register are those aimed (directly or indirectly) at all EU institutions, agencies and bodies, and their Members and their assistants, officials and other staff. Such activities do not include activities directed at Member States, in particular those directed at their permanent representations to the European Union.

20. European networks, federations, associations or platforms are encouraged to produce common, transparent guidelines for their members identifying the activities covered by the register. They are expected to make those guidelines public.

#### IV. RULES APPLICABLE TO REGISTRANTS

21. By registering, the organisations and individuals concerned:
- agree that the information which they provide for inclusion in the register shall be in the public domain;
  - agree to act in compliance with the code of conduct set out in Annex III and, where relevant, to provide the text of any professional code of conduct by which they are bound <sup>(1)</sup>;
  - guarantee that the information provided for inclusion in the register is correct and agree to cooperate with administrative requests for complementary information and updates;
  - accept that any alert or complaint concerning them will be handled on the basis of the rules in the code of conduct set out in Annex III;
  - agree to be subject to any measures to be applied in the event of non-compliance with the code of conduct set out in Annex III and acknowledge that the measures provided for in Annex IV may be applied to them in the event of non-compliance with the code;
  - note that the parties hereto may, upon request and subject to the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council <sup>(2)</sup>, have to disclose correspondence and other documents concerning the activities of registrants.

#### V. IMPLEMENTATION

22. The Secretaries-General of the European Parliament and the European Commission shall be responsible for supervision of the system and for all key operational aspects, and shall by common accord take the measures necessary to implement this agreement.
23. Although the system is operated jointly, the parties hereto remain free to use the register independently for their own specific purposes.
24. In order to implement the system, the services of the European Parliament and the European Commission maintain a joint operational structure, designated as the JTRS. The JTRS is made up of a group of officials from the European Parliament and the European Commission pursuant to an arrangement agreed by the competent services. The JTRS operates under the coordination of a Head of Unit in the Secretariat-General of the European Commission. The tasks of the JTRS include producing implementation guidelines, within the limits of this agreement, to facilitate a consistent interpretation of the rules by registrants, and monitoring the quality of the content of the register. The JTRS shall use the administrative resources available to perform quality checks of the content of the register, on the understanding, however, that registrants are ultimately responsible for the information they have provided.
25. The parties hereto shall organise appropriate training and internal communication projects to raise awareness of the register and of the alert and complaints procedures among their Members and staff.
26. The parties hereto shall take appropriate measures externally to raise awareness of the register and promote its use.
27. A series of basic statistics, extracted from the database of the register, shall be published regularly on the *Europa* Transparency Register website and shall be accessible via a user-friendly search engine. The public content of that database shall be available in electronic, machine-readable formats.
28. An annual report on the operation of the register shall be submitted by the Secretaries-General of the European Parliament and the European Commission respectively to the relevant Vice-President of the European Parliament and to the relevant Vice-President of the European Commission. The annual report shall provide factual information about the register, its content and its evolution, and shall be published each year for the preceding calendar year.

<sup>(1)</sup> The professional code of conduct by which a registrant is bound may impose obligations which are more stringent than the requirements of the code of conduct set out in Annex III.

<sup>(2)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

## VI. MEASURES APPLICABLE FOR COMPLIANT REGISTRANTS

29. Access passes to the European Parliament's premises will only be issued to individuals representing, or working for, organisations falling within the scope of the register where those organisations or individuals have registered. However, registration shall not confer an automatic entitlement to such an access pass. The issue and control of passes affording long-term access to the European Parliament's premises shall remain an internal procedure of the Parliament under its own responsibility.

30. The parties hereto shall offer incentives, in the framework of their administrative authority, in order to encourage registration within the framework created by this agreement.

Incentives offered by the European Parliament to registrants may include:

- further facilitation of access to its premises, its Members and their assistants, its officials and other staff;
- authorisation to organise or co-host events on its premises;
- facilitated transmission of information, including specific mailing lists;
- participation as speakers in committee hearings;
- patronage by the European Parliament.

Incentives offered by the European Commission to registrants may include:

- measures with regard to the transmission of information to registrants when launching public consultations;
- measures with regard to expert groups and other advisory bodies;
- specific mailing lists;
- patronage by the European Commission.

Specific incentives available to registrants shall be communicated to them by the parties hereto.

## VII. MEASURES IN THE EVENT OF NON-COMPLIANCE WITH THE CODE OF CONDUCT

31. Any person may lodge alerts and complaints, using the standard contact form, available on the website of the register, concerning possible non-compliance with the code of conduct set out in Annex III. Alerts and complaints shall be handled in accordance with the procedures laid down in Annex IV.

32. An alert mechanism is a tool to complement the quality checks performed by the JTRS in accordance with paragraph 24. Any person may lodge an alert with regard to factual mistakes concerning the information provided by the registrants. Alerts may also be lodged with regard to non-eligible registrations.

33. Any person may lodge a formal complaint where non-compliance by a registrant with the code of conduct, other than factual mistakes, is suspected. Complaints shall be substantiated by material facts with regard to the suspected non-compliance with the code.

The JTRS shall investigate the suspected non-compliance with due regard for the principles of proportionality and good administration. Intentional non-compliance with the code of conduct by registrants or by their representatives shall lead to the application of the measures laid down in Annex IV.

34. Where repeated non-cooperation, repeated inappropriate behaviour, or serious non-compliance with the code of conduct, has been identified by the JTRS under the procedures referred to in paragraphs 31 to 33, the registrant concerned shall be removed from the register for a time period of either one year or two years and the measure will be publicly mentioned in the register, as laid down in Annex IV.

**VIII. INVOLVEMENT OF OTHER INSTITUTIONS AND BODIES**

35. The European Council and the Council are invited to join the register. Other EU institutions, bodies and agencies are encouraged to use the framework created by this agreement themselves as a reference instrument for their own interaction with organisations and self-employed individuals engaged in EU policy-making and policy implementation.

**IX. FINAL PROVISIONS**

36. This agreement shall replace the agreement between the European Parliament and the European Commission of 23 June 2011 whose effects shall cease to apply on the date of application of this agreement.

37. The register shall be subject to a review in 2017.

38. This agreement shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 January 2015.

Entities already registered at the date of application of this agreement shall amend their registration to satisfy the new requirements resulting from this agreement within a period of three months following that date.

Done at Strasbourg, 16 April 2014.

*For the European Parliament*

*The President*

M. SCHULZ

*For the European Commission*

*The Vice-President*

M. ŠEFČOVIČ

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## ANNEX I

## 'Transparency Register'

## Organisations and self-employed individuals engaged in EU policy-making and policy implementation

Sections		Characteristics/remarks
<b>I — Professional consultancies/law firms/self-employed consultants</b>		
Subsection	Professional consultancies	Firms carrying on, on behalf of clients, activities involving advocacy, lobbying, promotion, public affairs and relations with public authorities.
Subsection	Law firms	Law firms carrying on, on behalf of clients, activities involving advocacy, lobbying, promotion, public affairs and relations with public authorities.
Subsection	Self-employed consultants	Self-employed consultants or lawyers carrying on, on behalf of clients, activities involving advocacy, lobbying, promotion, public affairs and relations with public authorities. This subsection is for registration of entities involving only one person.
<b>II — In-house lobbyists and trade/business/professional associations</b>		
Subsection	Companies and groups	Companies or groups of companies (with or without legal status) carrying on in-house, for their own account, activities involving advocacy, lobbying, promotion, public affairs and relations with public authorities.
Subsection	Trade and business associations	Organisations (either profit or non-profit making themselves) representing profit-making companies or mixed groups and platforms.
Subsection	Trade unions and professional associations	Interest representation of workers, employees, trades or professions.
Subsection	Other organisations including: — event-organising entities (profit or non-profit making); — interest-related media or research oriented entities linked to private profit making interests; — ad-hoc coalitions and temporary structures (with profit-making membership).	
<b>III — Non-governmental organisations</b>		
Subsection	Non-governmental organisations, platforms, networks, ad-hoc coalitions, temporary structures and other similar organisations.	Not-for-profit organisations (with or without legal status), which are independent from public authorities or commercial organisations. Includes foundations, charities, etc.  Any such entity including profit-making elements among its membership must register in Section II.

Sections		Characteristics/remarks
<b>IV — Think tanks, research and academic institutions</b>		
Subsection	Think tanks and research institutions	Specialised think tanks and research institutions dealing with the activities and policies of the European Union.
Subsection	Academic institutions	Institutions whose primary purpose is education but that deal with the activities and policies of the European Union.
<b>V — Organisations representing churches and religious communities</b>		
Subsection	Organisations representing churches and religious communities	Legal entities, offices, networks or associations set up for representation activities.
<b>VI — Organisations representing local, regional and municipal authorities, other public or mixed entities, etc.</b>		
Subsection	Regional structures	Regions themselves and their representative offices are not expected to register but can register if they wish to do so. Associations or networks created to represent regions collectively are expected to register.
Subsection	Other sub-national public authorities	All other sub-national public authorities, such as cities, local and municipal authorities, or their representation offices, and national associations or networks, are expected to register.
Subsection	Transnational associations and networks of public regional or other sub-national authorities	
Subsection	Other public or mixed entities, created by law whose purpose is to act in the public interest	Includes other organisations with public or mixed (public/private) status.



## ANNEX II

## INFORMATION TO BE PROVIDED BY REGISTRANTS

## I. GENERAL AND BASIC INFORMATION

- (a) organisation name(s), address of head office and Brussels, Luxembourg or Strasbourg address where relevant, phone number, e-mail address, website;
- (b) names of the person legally responsible for the organisation and of the organisation's director or managing partner or, if applicable, principal contact point in respect of activities covered by the register (i.e. head of EU affairs); names of the persons with authorisation for access to the European Parliament's premises <sup>(1)</sup>;
- (c) number of persons (members, staff, etc.) involved in activities covered by the register and of persons benefiting from an access pass to the European Parliament's premises and the amount of time spent by each person on such activities according to the following percentages of a full-time activity: 25 %, 50 %, 75 % or 100 %;
- (d) goals/remit — fields of interest — activities — countries in which operations are carried out — affiliations to networks — general information falling within the scope of the register;
- (e) membership and, if applicable, number of members (individuals and organisations).

## II. SPECIFIC INFORMATION

A. *Activities covered by the register*

Specific details shall be provided on the main legislative proposals or policies targeted by activities of the registrant, and which are covered by the register. Reference to other specific activities, such as events or publications, may be made.

B. *Links with EU institutions*

- (a) Membership of high-level groups, consultative committees, expert groups, other EU supported structures and platforms, etc.
- (b) Membership of, or participation in, European Parliament intergroups or industry forums, etc.

C. *Financial information related to the activities covered by the register*1. **All registrants shall provide:**

- (a) An estimate of the annual costs related to activities covered by the register. Financial figures shall cover a full year of operations and refer to the most recent financial year closed, as of the date of registration or of the annual update of the registration details.
- (b) The amount and source of funding, received from EU institutions in the most recent financial year closed, as of the date of registration or of the annual update of the registration details. That information shall correspond to the information provided by the European Financial Transparency System <sup>(2)</sup>.

2. **Professional consultancies/law firms/self-employed consultants (Section I of Annex I) shall additionally provide:**

- (a) The turnover attributable to the activities covered by the register according to the following grid:

Annual turnover for representation activities in euros
0 – 99 999
100 000 – 499 999
500 000 – 1 000 000
> 1 000 000

<sup>(1)</sup> Registrants can request authorisation for access to the European Parliament's premises at the end of the registration process. The names of individuals who receive access passes to the European Parliament's premises shall be inserted in the register. Registration shall not confer an automatic entitlement to such an access pass.

<sup>(2)</sup> [http://ec.europa.eu/budget/fts/index\\_en.htm](http://ec.europa.eu/budget/fts/index_en.htm)

- (b) A list of all clients, on behalf of whom activities covered by the register are carried out. Revenue from clients for representation activities shall be listed according to the following grid:

Bracket size of representation activities per client per annum in euros
0 – 9 999
10 000 – 24 999
25 000 – 49 999
50 000 – 99 999
100 000 – 199 999
200 000 – 299 999
300 000 – 399 999
400 000 – 499 999
500 000 – 599 999
600 000 – 699 999
700 000 – 799 999
800 000 – 899 999
900 000 – 1 000 000
> 1 000 000

- (c) Clients are also expected to register. The financial declaration made by professional consultancies/law firms/self-employed consultants concerning their clients (list and grid) does not exempt those clients from their obligation to include subcontracted activities in their own declarations, so as to avoid an underestimation of their declared financial outlay.

**3. In-house lobbyists and trade/business/professional associations (Section II of Annex I) shall additionally provide:**

the turnover attributable to the activities covered by the register, including for amounts less than EUR 10 000.

**4. Non-governmental organisations — Think tanks, research and academic institutions — organisations representing churches and religious communities — organisations representing local, regional and municipal authorities, other public or mixed entities, etc. (Sections III to VI of Annex I) shall additionally provide:**

- (a) the total budget of the organisation  
(b) a breakdown of the main amounts and sources of funding.

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## ANNEX III

## CODE OF CONDUCT

The parties hereto consider that all interest representatives interacting with them, whether on a single occasion or more frequently, registered or not, should behave in conformity with this code of conduct.

In their relations with EU institutions and their Members, officials and other staff, interest representatives shall:

- (a) always identify themselves by name and, by registration number, if applicable, and by the entity or entities they work for or represent; declare the interests, objectives or aims they promote and, where applicable, specify the clients or members whom they represent;
- (b) not obtain or try to obtain information or decisions dishonestly or by use of undue pressure or inappropriate behaviour;
- (c) not claim any formal relationship with the European Union or any of its institutions in their dealings with third parties, or misrepresent the effect of registration in such a way as to mislead third parties or officials or other staff of the European Union, or use the logos of EU institutions without express authorisation;
- (d) ensure that, to the best of their knowledge, information, which they provide upon registration, and subsequently in the framework of their activities covered by the register, is complete, up-to-date and not misleading; accept that all information provided is subject to review and agree to cooperate with administrative requests for complementary information and updates;
- (e) not sell to third parties copies of documents obtained from EU institutions;
- (f) in general, respect, and avoid any obstruction to the implementation and application of, all rules, codes and good governance practices established by EU institutions;
- (g) not induce Members of the institutions of the European Union, officials or other staff of the European Union, or assistants or trainees of those Members, to contravene the rules and standards of behaviour applicable to them;
- (h) if employing former officials or other staff of the European Union, or assistants or trainees of Members of EU institutions, respect the obligation of such employees to abide by the rules and confidentiality requirements which apply to them;
- (i) obtain the prior consent of the Member or Members of the European Parliament concerned as regards any contractual relationship with, or employment of, any individual within a Member's designated entourage;
- (j) observe any rules laid down on the rights and responsibilities of former Members of the European Parliament and the European Commission;
- (k) inform whomever they represent of their obligations towards the EU institutions.

Individuals who have registered with the European Parliament with a view to being issued with a personal, non-transferable pass affording access to the European Parliament's premises shall:

- (l) ensure that they wear the access pass visibly at all times in European Parliament premises;
  - (m) comply strictly with the relevant European Parliament Rules of Procedure;
  - (n) accept that any decision on a request for access to the European Parliament's premises is the sole prerogative of the Parliament and that registration shall not confer an automatic entitlement to an access pass.
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## ANNEX IV

**PROCEDURES FOR ALERTS AND FOR THE INVESTIGATION AND TREATMENT OF COMPLAINTS****I. Alerts**

Any person may lodge an alert to the JTRS by completing the standard contact form, available on the website of the register, with regard to information contained in the register and non-eligible registrations.

Where alerts are made about information contained in the register, they will be treated as allegations of non-compliance with point (d) of the code of conduct set out in Annex III <sup>(1)</sup>. The registrant concerned will be asked to update the information or explain to the JTRS why the information does not need to be updated. Where the registrant concerned does not cooperate, measures as outlined in the table of measures below (rows 2 to 4), may be applied.

**II. Complaints***Stage 1: Submitting a complaint*

1. Any person may submit a complaint to the JTRS by completing a standard form available on the website of the register. That form shall contain the following information:
  - (a) the registrant that is the subject of the complaint;
  - (b) the name and contact details of the complainant;
  - (c) details of the alleged non-compliance with the code of conduct, including possible documents or other materials supporting the complaint, an indication of whether any harm was caused to the complainant and grounds for suspecting intentional non-compliance.

Anonymous complaints shall not be considered.

2. The complaint shall specify the clauses of the code of conduct which the complainant alleges have not been complied with. Any complaint, where the non-compliance is, from the outset, deemed to be clearly unintentional by the JTRS, may be re-qualified by the JTRS as an 'alert'.
3. The code of conduct shall apply exclusively to relations between interest representatives and the EU institutions and may not be used to regulate relations between third parties or between registrants.

*Stage 2: Admissibility*

4. On reception of the complaint the JTRS shall:
  - (a) acknowledge receipt of the complaint to the complainant within five working days;
  - (b) determine whether the complaint falls within the scope of the register, as outlined in the code of conduct set out in Annex III and stage 1 above;
  - (c) verify any evidence adduced to support the complaint, whether this takes the form of documents, other materials or personal statements; in principle any material evidence shall be sourced from the registrant concerned, from a document issued by a third party or from publicly available sources. Mere value judgments presented by the complainant shall not be considered to be evidence;
  - (d) on the basis of the analyses referred to in points (b) and (c), decide on the admissibility of the complaint.
5. If the complaint is deemed inadmissible, the JTRS shall inform the complainant in writing, stating the reasons for the decision.
6. If the complaint is deemed admissible, both the complainant and the registrant concerned shall be informed by the JTRS of the decision and of the procedure to be followed, as set out below.

<sup>(1)</sup> Point (d) requires interest representatives, in their relations with the EU institutions and their Members, officials and other staff, to 'ensure that, to the best of their knowledge, information which they provide upon registration and subsequently in the framework of their activities covered by the register is complete, up-to-date and not misleading' and to 'accept that all information provided is subject to review and agree to cooperate with administrative requests for complementary information and updates';.

*Stage 3: Handling of an admissible complaint — examination and provisional measures*

7. The registrant concerned shall be notified by the JTRS of the content of the complaint and of the clause(s) allegedly not complied with and shall be invited at the same time to submit a position in response to that complaint within 20 working days. In support of that position, and within the same timeframe, a memorandum produced by a representative professional organisation may also be submitted by the registrant, in particular for regulated professions or organisations subject to a professional code of conduct.
8. Non-compliance with the deadline indicated in paragraph 7 shall lead to a temporary suspension of the registrant concerned from the register until cooperation is resumed.
9. All information collected during the investigation shall be examined by the JTRS which may decide to hear the registrant concerned, or the complainant, or both.
10. If examination of the material provided shows the complaint to be unfounded, the JTRS shall inform both the registrant concerned and the complainant of the decision to that effect, stating the reasons for the decision.
11. If the complaint is upheld, the registrant concerned shall be temporarily suspended from the register pending the taking of steps to address the issue (see Stage 4 below) and may be subject to a number of additional measures including removal from the register and withdrawal, where applicable, of any authorisation for access to the European Parliament's premises in accordance with the internal procedures of that institution (see Stage 5 and rows 2-4 in the table of measures below), notably in cases of non-cooperation.

*Stage 4: Handling of an admissible complaint — resolution*

12. Where a complaint is upheld and problematic issues are identified, the JTRS will take all necessary steps in cooperation with the registrant concerned to address and resolve the issue.
13. If the registrant concerned cooperates, a reasonable period of time shall be allocated by the JTRS, on a case-by-case basis, to achieve resolution.
14. Where a possible resolution of the issue has been identified, and the registrant concerned cooperates to give effect to that resolution, the registration pertaining to that registrant shall be reactivated, and the complaint closed. The JTRS shall inform both the registrant concerned and the complainant of the decision to that effect, stating the reasons for the decision.
15. Where a possible resolution of the issue has been identified, and the registrant concerned does not cooperate to give effect to that resolution, the registration pertaining to that registrant shall be deleted (see rows 2 and 3 of the table of measures below). The JTRS shall inform both the registrant concerned and the complainant of the decision to that effect, stating the reasons for the decision.
16. Where a possible resolution of the issue requires a decision from a third party, including an authority in a Member State, the final decision by the JTRS shall be suspended until such time as that decision has been taken.
17. If the registrant does not cooperate within 40 working days of the notification of the complaint under paragraph 7, measures for non-compliance shall be applied (see paragraphs 19 to 22 of Stage 5 and rows 2 to 4 of the table of measures below).

*Stage 5: Handling of an admissible complaint — measures to be applied in the event of non-compliance with the code of conduct*

18. Where immediate corrections are made by the registrant concerned, both the complainant and the registrant concerned will receive from the JTRS written acknowledgement of the facts and their corrections (see row 1 of the table of measures below).
19. Failure to react by the registrant concerned within the deadline of 40 days set out in paragraph 17 shall result in removal from the register (see row 2 of the table of measures below) and loss of access to any incentives linked to registration.
20. Where inappropriate behaviour has been identified, the registrant concerned shall be removed from the register (see row 3 of the table of measures below) and shall lose any incentives linked to registration.
21. In cases referred to in paragraphs 19 and 20, the registrant concerned may re-register, if the grounds leading to removal have been remedied.

22. Where either non-cooperation or inappropriate behaviour are deemed to be repeated and deliberate, or where serious non-compliance has been identified (see row 4 of the table of measures below), a decision to prohibit re-registration for a time period of either one year or two years (depending on the gravity of the case) shall be adopted by the JTRS.
23. Any measure adopted under paragraphs 18 to 22 or rows 1 to 4 in the table of measures below shall be notified by the JTRS to the registrant concerned and to the complainant.
24. In cases where a measure adopted by the JTRS results in a long-term removal from the register (see row 4 in the table of measures below), the registrant concerned may — within 20 working days of the notification of the measure — submit a reasoned request for re-examination of that measure to the Secretaries-General of the European Parliament and of the European Commission.
25. Upon expiry of the 20 days deadline or after the Secretaries-General have taken a final decision, the relevant Vice-President of the European Parliament and the relevant Vice-President of the European Commission shall be informed and the measure shall be mentioned publicly in the register.
26. Where a decision on prohibiting re-registration for a certain time period entails a withdrawal of the possibility of requesting authorisation to access the European Parliament's premises as an interest representative, a proposal by the Secretary-General of the European Parliament shall be submitted to the College of Quaestors, who shall be invited to authorise the withdrawal of the related access authorisation held by the individual or individuals concerned for that time period.
27. In its decisions on applicable measures under this Annex, the JTRS shall have due regard to the principles of proportionality and good administration. The JTRS shall operate under the coordination of a Head of Unit in the Secretariat-General of the European Commission, and under the authority of the Secretaries-General of the European Parliament and the European Commission, who shall be kept duly informed.

**Table of measures available in the event of non-compliance with the code of conduct**

	Type of non-compliance (numbers refer to the paragraphs above)	Measure	Publication of measure in the register	Formal decision to withdraw access to European Parliament premises
1	Non-compliance, immediately corrected (18)	Written notification acknowledging the facts and their correction.	No	No
2	Non-cooperation with JTRS (19 and 21)	Removal from the register, de-activation of the authorisation for access to European Parliament premises and loss of other incentives	No	No
3	Inappropriate behaviour (20 and 21)	Removal from the register, de-activation of the authorisation for access to European Parliament premises and loss of other incentives.	No	No
4	Repeated and deliberate non-cooperation or repeated inappropriate behaviour (22) and/or serious non-compliance.	a) Removal from the register for one year, and formal withdrawal of the authorisation for access to European Parliament premises (as an accredited interest group representative); b) Removal from the register for two years and formal withdrawal of the authorisation for access to European Parliament premises (as an accredited interest group representative).	Yes, by decision of the Secretaries-General of the European Parliament and of the European Commission.	Yes, by decision of College of Quaestors