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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	16646/24
Subject:	Proposal for a Directive on Transparency of Interest Representation on behalf of Third Countries - Progress report

I. INTRODUCTION

1. On 12 December 2023, the Commission adopted the ‘Defence of Democracy’ package. It consists of:
 - i. A Commission communication on Defence of Democracy¹.
 - ii. A proposal for a new Directive on Transparency of Interest Representation for third countries² (hereinafter referred to as ‘the proposed Directive’).
 - iii. A proposal for a Regulation amending Regulations (EU) 1024/2012 and (EU) 2018/1724³ accompanying the proposed Directive.
 - iv. An impact assessment⁴ accompanying both legislative proposals in points (ii) and (iii).
 - v. A Commission recommendation on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament⁵.
 - vi. A Commission recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes⁶.
2. In the European Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) is the lead committee. The appointed rapporteur is Adina VALEAN (EPP, Romania). Examination of the Commission proposal in the European Parliament is still ongoing. At this stage, IMCO is expected to vote on the draft report in July with a final vote in Plenary in September.

¹ Doc. 16935/23 + ADD 1.

² Doc. 16889/23 + ADD 1 + ADD 2.

³ Doc. 17076/23.

⁴ Doc. 16889/23 + ADD 3 + ADD 4; 17076/23 ADD 1 + ADD 2.

⁵ Doc. 7434/24.

⁶ Doc. 7433/24.

3. The European Economic and Social Committee adopted its Opinion⁷ on 24 April 2024.
4. On 8 February 2024, the Committee of Permanent Representatives (Coreper) agreed on the optional consultation⁸ of the Committee of the Regions. The Committee of the Regions adopted its Opinion⁹ on 17 April 2024.

II. WORK IN COUNCIL

5. The Commission presented the main elements of the package, including the proposed Directive and the accompanying impact assessment, at the meeting of the Working Party on General Affairs (GAG) on 9 January 2024 and the two Commission recommendations at the meeting of GAG on 11 January.
6. Ministers held an orientation debate on the 'Defence of Democracy' package, including on the proposed Directive, at the meeting of the General Affairs Council (GAC) on 29 January 2024 on the basis of a Presidency non-paper¹⁰.
7. On this basis, during the Belgian Presidency GAG completed a first examination of the proposed Directive, including an exchange on the practical aspects of the proposed Directive and on the EU transparency register. Some delegations also shared information on national registers / legislation, both in place or planned.
8. The Council Legal Service issued a written opinion¹¹ on the legal basis of the proposal on 25 April 2024.

⁷ Doc. 9738/24.

⁸ Doc. 6003/24.

⁹ Doc. 10327/24.

¹⁰ Doc. 5428/24.

¹¹ Doc. 9328/24.

9. Coreper discussed the key political issues identified in the discussions at GAG level, at its meeting on 29 May 2024 on the basis of a note¹² identifying the key areas requiring guidance for further work. The Presidency drew a number of operational conclusions from this meeting¹³.
10. The Council (General Affairs) held a policy debate at its meeting on 25 June 2024 on the basis of a note¹³, which included questions to guide the debate. The debate covered several key issues including the legal basis, scope and objectives, the level of harmonisation, registers and the need for further analysis.
11. This discussion provided important guidance for further work at technical level. Ministers confirmed their general support for the objectives of the directive and agreed on the need to address the issue of third country interference. Ministers also agreed on the need to have clear definitions based on objective criteria, and avoid stigmatization. Additionally, the possibility of full harmonisation was broadly rejected.
12. During the second semester of 2024, the Hungarian Presidency focused its efforts on discussing existing and planned national registers and rules. It shared a detailed questionnaire on national registers to gain a better understanding of Member States' current and planned national rules and practices regarding the registration of lobbying activities and to identify similarities and differences amongst them.

¹² Doc. 10266/24.

¹³ Doc. 10805/24.

13. The Presidency's assessment of the replies¹⁴ to this questionnaire was presented and discussed at a GAG meeting on 21 November and at Coreper on 6 December 2024, on the basis of a discussion paper.¹⁵
14. Based on this deliberation, the Presidency prepared a progress report¹⁶ which Coreper took note of at its meeting on 11 December 2024.

III. STATE OF PLAY

15. The Polish Presidency resumed the examination of the legislative proposal at the GAG level on the basis of five discussion papers that were prepared in order to facilitate the exchange on key political issues of the proposal¹⁷.
16. During these discussions, a number of elements were considered, in particular the level of harmonisation, scope, definitions, cross-border cooperation, sanctions and safeguards against stigmatisation.
17. On this basis the Presidency prepared a first compromise text¹⁸ which was discussed in GAG at the meetings of 13, 15 and 20 May 2025.

¹⁴ Doc. 15070/24.

¹⁵ Doc. 16241/24.

¹⁶ Doc. 16646/24.

¹⁷ Docs. WK 1316/25; WK 1841/25; WK 2543/25; WK 3141/25; WK 4581/25.

¹⁸ Doc. WK 5510/25.

18. Delegations expressed overall support on the direction of the compromise text and general support on the key political issues, particularly:
- i. the scope, with a preference to limit the proposal's applicability to interest representation on behalf of third countries;
 - ii. clarifications regarding the definition of interest representation activity and that of official of a Member State;
 - iii. a minimum harmonisation approach, together with a reduction of the administrative burden, the overall simplification of the text, as well as reduced reporting obligations for Member States;
 - iv. maintaining safeguards against stigmatization across the text.
19. Nevertheless, few delegations maintained their call for a larger scope beyond interest representation carried out on behalf of third countries while others raised concerns about the single registration in the register of the Member State of (main) establishment. Additionally, some delegations considered the revised definition of interest representation activities – which is now based on communication with designated public officials – to be still too broad.
20. Based on the feedback received orally in the GAG, and subsequently in writing, the Presidency will present a revised compromise text¹⁹ at the GAG meeting on 20 June.

¹⁹ Doc. 9646/25.

21. The main changes compared to the Commission proposal include:
- i. a minimum harmonisation approach overall;
 - ii. a narrower definition of interest representation activity;
 - iii. a more focused definition of an official of a Member State;
 - iv. a clearer exclusion of core funding of an entity from the scope of the Directive provided it is not related to an interest representation activity on behalf of third countries;
 - v. a registration obligation for subcontractors to minimise the risk of circumvention;
 - vi. a simplification of the registration requirements and procedure as well as of record keeping and cross-border cooperation;
 - vii. supervisory jurisdiction based on the nationality of the official targeted;
 - viii. a reduction of Member States' reporting obligations;
 - ix. an increase of the maximum amount of financial penalties;
 - x. an extension of the transposition period.

IV. **CONCLUSIONS**

22. Coreper is invited to suggest to the Council to take note of this progress report.
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