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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
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 Democracy[1].

   ii. A proposal for a new Directive on Transparency of Interest Representation for third countries[2] (hereinafter referred to as 'the proposed Directive').

   iii. A proposal for a Regulation amending Regulations (EU) 1024/2012 and (EU) 2018/1724[3] accompanying the proposed Directive.

   iv. An impact assessment[4] 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 Parliament[5].

   vi. A Commission recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes[6].

2. On 8 February 2024, the Committee of Permanent Representatives (Coreper) agreed on the optional consultation[7] of the Committee of the Regions. The Committee of the Regions adopted its Opinion[8] on 17 April 2024.

3. In the European Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) is the lead committee. The rapporteur is Adina VALEAN (EPP, Romania). The report and the Parliament's mandate to enter into interinstitutional negotiations were adopted by the European Parliament's Plenary on 27 November 2025.

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1 16935/23 + ADD 1.
2 16889/23 + ADD 1 + ADD 2.
3 17076/23.
4 16889/23 + ADD 3 + ADD 4; 17076/23 ADD 1 + ADD 2.
5 7434/24.
6 7433/24.
7 6003/24.
8 10327/24.

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4. The European Economic and Social Committee adopted its Opinion[9] on 24 April 2024.

II. WORK IN COUNCIL

5. Following the adoption of the 'Defence of Democracy' package, the Commission presented the main elements of the package at the Working Party on General Affairs (GAG) on 9 and 11 January 2024.

6. Since its adoption, work on the package was carried out by successive presidencies at GAG, Coreper and General Affairs Council (GAC) levels.

7. During the Belgian Presidency, Ministers held an orientation debate on the package, including on the proposed Directive, at the meeting of the GAC on 29 January 2024 on the basis of a Presidency non-paper[10]. The Ministers' discussion provided guidance to the first examination of the text at GAG level.

8. The Council Legal Service issued a written opinion[11] on the legal basis of the proposal on 25 April 2024.

9. The Hungarian Presidency focused on discussing existing and planned national registers and rules.

10. The Polish Presidency resumed the examination of the text at the GAG level and prepared a first compromise text[12], and a subsequent revised compromise text[13]. The GAC took note of the progress report[14] prepared by the Polish Presidency on 24 June 2025.

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9 9738/24.
10 5428/24.
11 9328/24.
12 WK 5510/25.
13 9646/1/25.
14 10134/25.

III. STATE OF PLAY

11. On the basis of the work done previously, the Danish Presidency intensified the examination and drafting of the text and retained the main choices made under previous Presidencies, notably the scope of application limited to third country interest representation and the minimum harmonisation approach.

12. During these discussions, a number of elements were considered, in particular the principle of single registration in the Member State of main establishment, the cross-border cooperation, and the sanctions and safeguards against stigmatisation.

13. The Danish Presidency decided to maintain the principle of single registration in the Member State of main establishment, following the discussion at the GAG of 30 October 2025 based on a dedicated discussion paper[15].

14. On this basis, the Presidency prepared a first compromise text[16] which was discussed in GAG at the meetings of 6 and 19 November 2025.

15. Subsequently, and based on the feedback received from all delegations both orally in bilateral meetings held on 10, 14, and 17 November 2025 and in writing, the Presidency prepared a revised compromise text[17], which was discussed in GAG at the meeting of 5 December 2025.

16. The revised compromise text consolidates the following changes to the Commission proposal as key elements of a possible Council mandate:

    i. a minimum harmonisation approach overall;

    ii. a narrower definition of interest representation activity covering communication with public officials;

    iii. a more focused definition of an official of a Member State;

    iv. a provision clarifying beyond doubt that receiving core funding or similar financing from third countries is not subject to the Directive provided it is not related to an interest representation activity on behalf of third countries;

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15 WK 14180/25.
16 14580/25.
17 14580/1/25.

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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 assigned to the member state whose official(s) is targeted, or in the case of a Union official, the Member State hosting the institution concerned;

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.

17. The majority of delegations expressed overall support for the latest compromise text and the key political choices made therein, indicating readiness to agree on a negotiating mandate in Coreper.

18. Nevertheless, a few delegations maintained their call for further discussions at technical level, in particular on the single registration principle. The Presidency, therefore, decided to prepare a progress report.

IV. CONCLUSIONS

19. Coreper is invited to take note of this progress report.

20. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2025, and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of this progress report will be made public unless Coreper objects.

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