Council of the European Union

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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	16889/23 + ADD 1 ; 17076/23
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1024/2012 and (EU) 2018/1724 as regards certain requirements laid down by Directive (EU) XXXX/XXXX - Optional consultation of the Committee of the Regions

1. On 12 December 2023, the Commission adopted a proposal for a new Directive on Transparency of Interest Representation for third countries[1] (hereinafter referred to as 'the proposed Directive'). The proposed Directive was accompanied by a Proposal for a Regulation amending Regulations (EU) 1024/2012 and (EU) 2018/1724[2] (hereinafter referred to as 'the proposed Regulation').

[1] Doc. 16889/23 + ADD 1 + ADD 2.
[2] Doc. 17076/23.

2. These legislative proposals form part of the 'Defence of Democracy' package which also includes the following:

   i. A Commission communication on Defence of Democracy[3].

   ii. An impact assessment[4] accompanying both legislative proposals in referred to in paragraph 1.

   iii. 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.

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

3. The aim of the proposed Directive is to establish harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries. It proposes that Member States set up and maintain national registers for the purpose of ensuring transparency of interest representation activities carried out by third-country entities, as well as to designate authorities responsible for these registers. In addition, the proposed Directive would require Member States to designate independent supervisory authorities having the responsibility to supervise the compliance with and the enforcement of the obligations set out in the proposed Directive, as well as to exchange information with the supervisory authorities in other Member States, where authorised to do so under the proposed Directive.

4. The aim of the proposed Regulation is to amend the Internal Market Information System ('IMI system') to provide for the administrative cooperation and the exchange of information between the competent national authorities, as well as the Commission, as proposed by the Commission in the proposed Directive.

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3 Doc. 16935/23 + ADD 1.

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

5. Both legislative proposals are based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) and therefore do not require the Opinion of the Committee of the Regions. However, in view of the cross-border cooperation element of the proposed Directive and its potential impacts at the regional level, it would seem appropriate to consult the Committee of the Regions on the proposed Directive. Similarly, and considering that the proposed Regulation accompanies this proposed Directive, it would also seem appropriate to consult the Committee of the Regions on the proposed Regulation.

6. The Permanent Representatives Committee is therefore invited to decide, in accordance with Article 307 TFEU and Article 19(7)(h) of the Council's Rules of Procedure[5], to consult the Committee of the Regions on both legislative proposals and to request it to give its opinion as soon as possible.

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[5] Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure, OJ L 325, 11/12/2009, p. 35.