



Council of the European Union
General Secretariat

Brussels, 05 December 2025

**Interinstitutional files:
2023/0463 (COD)**

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NOTE

From: General Secretariat of the Council
To: Working Party on General Affairs

N° prev. doc.: ST 14580/25
N° Cion doc.: ST 16889/23 + ADD 1

Subject: Proposal for a Directive on Transparency of Interest Representation on behalf of Third Countries
- Comments on the Presidency compromise text

Further to the invitation by the Presidency for contributions at the GAG meeting on 6 November, delegations will find in Annex the consolidation of written comments on the Presidency compromise text.

Transparency directive - Consultations on the revised Presidency compromise text

From: BE, BG, CZ, DE, EE, EL, ES, FR, LV, LT, MT, NL, SI, FI, SE

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Guidelines to be followed

Please kindly provide your contributions in the table below.

Drafting suggestions: you may use 'track changes' or formatting (for example bold-underline for additions and ~~strike-through~~ for deletions, where necessary, in a different colour).

To make it feasible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted**.

New provisions may only be added in any of the '**existing cells**'.

Name of document: please add the **two initials** of your delegation's country followed by a space (to the MS Word document name), followed by any optional text, for example, for Austria: **AT comments ondocx**

Thank you for your cooperation!

Presidency compromise text	Drafting suggestions and N/A
General comments	BE (Drafting suggestions): See also earlier Belgian contributions in the context of the consultations on the Presidency compromise text, to the extent that they remain relevant. CZ

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	<p>(Drafting suggestions):</p> <p><i>Czechia, regarding the extent of the compromise text and scope of its changes, maintains its general scrutiny reservation.</i></p> <p>EE</p> <p>(Drafting suggestions):</p> <p>In general, we would like to acknowledge that a number of concerns previously raised in relation to the proposal have been addressed during the negotiations, which we welcome. That said, a few issues remain that we would like to draw attention to.</p> <p>First, we continue to see the possibility that the directive could entail a disproportionately high administrative burden for the Member States. This relates in particular to the requirement to carry out <i>ex ante</i> verification of the information entered in the register and to ensure that such information does not contain manifest errors (Article 11(1)).</p> <p>Second, we would underline the importance of ensuring terminological consistency with other relevant EU legal instruments. For instance, Article 2(11) refers to the term “public official” and its sub-category “<i>an official of a Member State</i>”, whereas the proposal for an anti-corruption directive uses the term “public official” with the sub-category “<i>national official</i>”. It</p>

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	<p>might therefore be useful to consider aligning these definitions for the sake of coherence.</p> <p>Third, regarding Article 3, we would invite reflection on whether it could be possible to mitigate the risk of influence activities being conducted through embassies. While the diplomatic exemption should of course remain, it might be considered appropriate to clarify that the exemption would not apply where an embassy engages in activities primarily aimed at influencing public opinion outside the scope of ordinary diplomatic communication.</p> <p>Finally, as regards Article 7, we would suggest considering the inclusion of an additional provision aimed at mitigating risks related to the protection of trade secrets, which currently does not appear to be explicitly addressed.</p> <p>MT (Drafting suggestions):</p> <p>Malta extends its sincere appreciation for the ongoing efforts of the Danish Presidency in advancing the proposal. While Malta remains committed to contributing constructively to its progress, it must be emphasised that several issues are still outstanding. These matters must be satisfactorily</p>

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	<p>addressed before a final compromise can be achieved and the proposal can move forward effectively.</p> <p>SI (Drafting suggestions):</p> <p>Slovenia supports the overall goal of enhancing transparency of interest representation on behalf of third countries. However, it stresses that the Directive must remain proportionate, avoid administrative overreach, and respect subsidiarity. The registration and supervision mechanisms should remain at the national level while ensuring interoperability via the IMI system and the ‘Your Europe’ portal. A decentralised, cost-effective and interoperable framework is preferred over a centralised EU register. We propose 24-month transposition period to allow sufficient national adaptation time and ensure interoperability.</p> <p>FI (Drafting suggestions):</p> <p>Finland appreciates the Presidency's efforts to improve and clarify the proposal. There are still some issues that we want the Presidency to examine and tackle:</p>

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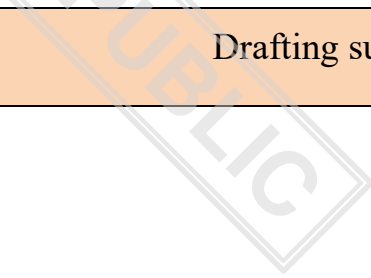
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	<ol style="list-style-type: none">1) The concept of removing entities from register is unclear and potentially against both a) the jurisdiction set in article 15, and b) article 4(1) where MS are left with the possibility to set additional measures.2) The national principle of openness and Article 12 (the same kind of problem Sweden has)3) Trade secrets as a legitimate interests for a derogation is not in the same level with other legitimate interests and creates a potentially loophole.4) Clarifying that MS's can ask additional information by setting operational requirements to the entity.5) The formulation of "official of a Member State" seems to be too wide, as also non-officials would come under the definition.
Proposal for a 2023/0463 (COD)	

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<p>DIRECTIVE (EU) .../... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of ... 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 (Text with EEA relevance)</p> <p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Having regard to the opinion of the European Economic and Social Committee¹,</p> <p>Having regard to the opinion of the Committee of the Regions²,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p>	
<p>(1) Interest representation in the Union is a growing and increasingly cross-border activity. When carried out with the necessary level of transparency, such activities allow sharing of experiences and views about problems and solutions, supporting public decision-makers in understanding the options and trade-offs of different approaches.</p>	
<p>(2) Interest representation is not only carried out on behalf of domestic stakeholders but increasingly also by third countries. Ideas from third countries can contribute positively to public debate and are a</p>	

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

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<p>welcome part of international engagement. However, it is not always easy for public officials or individuals to recognise the involvement of third countries in interest representation activities in the context of their decision-making process, or understand the magnitude, trends and actors behind such activities. Third countries should be understood as countries that are not members of the Union or the European Economic Area.</p>	
<p>(3) To the extent that it is normally provided against remuneration, interest representation, including interest representation provided to third countries, constitutes a service within the meaning of Article 57 of the Treaty on the Functioning of the European Union ('TFEU'). The market for interest representation also includes interest representation activities carried out by third country entities themselves in a way that is comparable to services and are linked to or substitute activities of an economic nature. These activities should be treated in the same way as interest representation services.</p>	
<p>(4) Some Member States have adopted specific measures requiring transparency of interest representation activities, often in the framework of transparency registers linked to a public body. Such national measures often include the obligation for entities carrying out interest representation activities to register themselves or their activities or to obtain and retain specific information, for instance about their clients and the services they provide.</p>	
<p>(5) Member States' measures regulating transparency of interest representation activities are very divergent, in particular concerning the record-keeping and registration requirements which apply to entities carrying out interest representation. Some Member States have established mandatory registers aiming, in particular, at ensuring transparency. Others have established voluntary registers, whereas some Member States have no registers for interest representation. There are</p>	

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<p>also considerable variations regarding the granularity of the information provided for transparency purposes, including the type of information required, for instance about the interests represented or about the client. In some Member States information about interest representation must be updated on a regular basis whereas in others the information must be updated every time there is a change in the scope of the interest representation activity carried out.</p>	
<p>(6) Such divergences create an uneven playing field and increase compliance costs for entities seeking to carry out interest representation activities in more than one Member State, which may deter the development and provision of new interest representation activities in the internal market. Third countries are likely to seek interest representation in more than one Member State in order to ensure an overall positive policy in their favour across the Union. Such conditions negatively impact economic operators and constitute obstacles to the provision of cross-border interest representation within the internal market. This uneven playing field also directs cross-border interest representation activities away from more regulated Member States towards less regulated ones or where enforcement is limited. Such regulatory arbitrage also presents an opportunity for third-country actors seeking to evade transparency requirements.</p>	
<p>(7) In the context of an increased awareness of attempts by certain third countries to influence democratic processes in the Union, some Member States are likely to develop new rules to ensure transparency of foreign influence exerted through interest representation. The obstacles to the provision of such services in more than one Member State created by the fragmentation of the internal market for interest representation activities carried out on behalf of third countries are therefore likely to increase.</p>	

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<p>(8) The existing national divergences in the measures regulating transparency of interest representation, affecting especially interest representation carried out on behalf of third countries, and the current context of increased awareness of the risks of foreign interference in democratic processes, highlight the need to act at Union level to regulate the provision of interest representation services and engage in interest representation activities carried out <u>by entities, including natural persons</u>, on behalf of third countries across the Union, while ensuring a high level of transparency of such activities.</p>	<p>CZ (Drafting suggestions): <i>Czechia is flexible towards the addition.</i></p>
<p>(8a) The Member States’ assessment of the risk of foreign interference they face as well as their approaches to transparency differ. It is therefore appropriate to approximate the heterogeneous regulatory situation in Member States <u>regarding third country interest representation activities</u> to a common minimum standard. Accordingly, Member States should be allowed to maintain existing or introduce additional measures promoting a higher level of transparency or democratic accountability of interest representation activities falling within the scope of this Directive. Such national measures should however be consistent with the objectives of this Directive and respect <u>applicable Union law, including the Charter of Fundamental Rights</u>. In particular, they should not constitute arbitrary restrictions towards specific entities, nor create a climate of distrust or stigmatisation for the entities which are subject of these requirements.</p>	<p>CZ (Drafting suggestions): <i>Czechia supports the clarification.</i></p> <p>LT (Drafting suggestions): For clarity we propose to supplement sentence 3 with the following provision: <i>“Accordingly, Member States should be allowed to maintain existing or introduce additional measures promoting a higher level of transparency or democratic accountability of interest representation activities falling within the scope of this Directive, <u>for example, Member States should be able to impose the obligation to provide more information on the nature and objectives of the interest representation activities carried out and specific cases thereof, immediately after the case.</u>”.</i></p> <p>SI (Drafting suggestions):</p>

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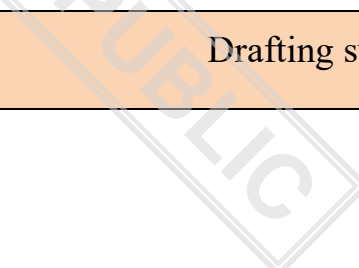
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	Add at the end of Recital (8a): 'Member States should ensure technical interoperability of national registers to facilitate information exchange via the IMI system and the 'Your Europe' portal.' This guarantees coordination without duplication and supports subsidiarity.
<p>(9) — To avoid a situation where Member States seek to unilaterally address their concerns regarding transparency of foreign influence exerted through interest representation and to prevent the emergence of additional obstacles to the provision of cross-border interest representation activities carried out on behalf of third countries resulting from divergent and inconsistent development of national laws, it is necessary to provide for harmonised measures at Union level.</p>	
<p>(10) By providing minimum harmonised transparency requirements applicable across the internal market, this Directive aims to contribute to establish a more coherent and systematic framework to ensure transparency as regards interest representation activities conducted on behalf of third countries with the objective of influencing the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union.</p>	
<p>(11) Providing minimum common transparency and accountability standards and common reporting standards also support democratic accountability and improve a better common knowledge of interest representation activities conducted on behalf of third country entities with the objective of influencing the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union, addressing the need for reliable and consistent data. The need to ensure transparency of interest representation activities</p>	

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<p>carried out on behalf of third countries is a legitimate public goal, in the light of the principles of openness and transparency which must guide the democratic life of the Union in accordance with the second paragraph of Article 1 and Article 10(3) of the Treaty on the European Union ('TEU'), in conformity with the values shared by the Union and its Member States pursuant to Article 2 TEU, also supporting the exercise of citizenship rights.</p>	
<p>(12) Covert interest representation activities carried out on behalf of third countries are capable of affecting the development, formulation or implementation of the Union's internal and external policies, including regarding its economic and security interests. This affects democracy more generally, which is a common value of the Union, the securing of which is of fundamental importance to the Union and its Member States. Providing for a minimum harmonised level of transparency across the Union regarding such activities should contribute to enhancing public trust in the Union's and Member States' decision-making processes.</p>	
<p>(13) While rules on openness and transparency of interest representation activities exist in certain third countries, these rules do not cover activities seeking to influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union. These rules are therefore not adequate to ensure the transparency of interest representation seeking to influence decision-making in the Union.</p>	
<p>(14) The measures set out in this Directive are proportionate and limited to what is necessary to ensure transparency of a specific set of activities, namely interest representation activities carried out on behalf of third countries. They impose requirements related to those activities, and do not impose requirements on entities merely because they receive funding from abroad. This Directive focuses on increased transparency</p>	

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<p>when entities carry out interest representation activities on behalf of third countries in the internal market. In particular, this Directive and imposes obligations to ensure that the data made publicly available is presented in a factual and neutral way and to ensure that competent national authorities act in a way that no adverse consequence, such as stigmatisation, arises from the fact that an entity has registered in accordance with the provisions of this Directive. It provides for a comprehensive system of safeguards, including effective judicial review to ensure proportionality of the harmonised measures. The measures set out in this Directive are in full compliance with fundamental rights and observe the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'), including the freedom of expression and information, freedom of assembly and association, freedom of scientific research, including academic freedom, the right to the protection of personal data, the right to an effective remedy and the freedom to conduct a business. By achieving a common minimum level of transparency in relation to interest representation carried out on behalf of a third country, the measures set out in this Directive strengthen citizens' democratic rights as referred to in the Charter.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg);">PUBLIC</p>
<p>(15) The harmonised transparency requirements of this Directive should not affect national rules on interest representation activities for entities other than third country entities, nor should they affect integrity frameworks, including rules on publication of meetings, conflict of interests, or cooling off periods, or other the substantive content of such activities nor the substantive rules applicable to the interaction public officials have when they interact with entities carrying out interest representation activities. <u>This Directive should not affect Member States registers, such as business registers, lobbying registers or other</u></p>	<p>CZ (Drafting suggestions): <i>Czechia welcomes the clarification of the scope of the Directive.</i></p> <p>SI (Drafting suggestions):</p>

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<p><u>registers that have a different scope and purpose than the register established in this Directive. The harmonised transparency requirements of this Directive</u> should not affect rules applicable to criminal prohibited activities including those regarding and their detection, investigation, prosecution supervision and sanctioning of criminal activities as established under national or Union law, such as those related to corruption.</p>	<p>Add at the end of Recital (15): 'This Directive shall not preclude Member States from maintaining or introducing measures ensuring higher levels of transparency, provided they do not duplicate obligations or contravene Union law.'</p> <p>Ensures legal clarity.</p>
<p>(16) In order to harmonise transparency requirements, it is necessary to provide for a common definition of interest representation activity. To ensure the correct application of the harmonised transparency requirements, The concept of interest representation activities should be understood as communication with public officials, irrespective of the format or medium, and designed to influence have a broad meaning. It should cover activities carried out with the objective of influencing the development, formulation, <u>adoption</u> or implementation of policy or legislation, or public decision-making processes in the Union., including by impacting public opinion, in the Union and its Member States, including at regional and local levels. It should not cover communications in the exercise of individual rights nor in submissions made in response to direct and specific requests from public officials made on behalf of the authority or institution they represent, including responding to public consultations.</p>	<p>CZ (Drafting suggestions):</p> <p><i>Similarly to the Article 2, Czechia can support the clarification.</i></p>
<p>(16a) For the purposes of the definition of ‘interest representation activity’, implementation of policy or legislation should be understood as taking decisions on how such policy or legislation are to be applied or operationalised in practice, such as decisions on implementing rules and the preparation of guidelines or standards. It</p>	<p>LT (Drafting suggestions):</p> <p>In order to clarify the scope of the Directive and the overly broad concept of interest representation activities, we propose to add the following</p>

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<p>should not include the work of public officials who execute established public policies and are not involved in or have no influence on such decisions, for instance teachers, postal officers and medical staff, where they are considered public officials in accordance with national rules.</p>	<p>provision after sentence 1 (also in Article 2(1)): <i>„<u>The concept of interest representation activity includes activities, that influence policy implementation or public decision-making processes as far as they are related to the preparation, consideration and adoption of legal acts.</u>“</i></p> <p>SE (Drafting suggestions): See the comments to article 2.</p>
<p>(17) — A clear and substantial link should exist between the activity and the likelihood that it would influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union. In order to determine the existence of such a link, account should be taken of all relevant factors, such as the content of the activity, the context in which it is conducted, its objective, the means by which it is carried out, or whether the activity is part of a systematic or sustained campaign. The activities covered should not be limited to activities with the objective to promote a change in a given policy, legislation or public decision-making process but should also cover activities aiming to maintain the status quo.</p>	
<p>(18) Interest representation could, in particular, be performed through in-person contacts, emails, letters, telephone or video calls, electronic messaging services, and messages on social media directly targeted to public officials. <u>It should not include activities which could reach public officials but are not directly targeted at them, including organising communication campaigns addressed to the general public or publishing policy or research papers.</u> activities such as organising or</p>	<p>CZ (Drafting suggestions): <i>Czechia strongly supports the addition and would support that this approach would also transcribe to the relevant Articles.</i></p>

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<p>participating in meetings, conferences or events, contributing to or participating in consultations, parliamentary hearings or other similar initiatives, organising communication or advertising campaigns including through media, platforms, use of influencers in social media, networks and grassroots initiatives, preparing policy and position papers, legislative amendments, opinion polls and surveys, open letters and other communication or information material.</p>	
<p>(19) — Interest representation could also cover activities carried out on behalf of a third country entity in the context of research and education, such as the dissemination by think tanks of papers recommending or favouring the adoption of a specific public policy. In accordance with the principle of academic freedom and freedom of scientific research, enshrined in Article 13 of the Charter, interest representation should not cover research pursued by researchers in a subject of their choice, the dissemination of the findings of that research, or teaching and education activities that are conducted in accordance with the principle of academic freedom and institutional autonomy, except where the clear purpose of these activities is to influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union and they are carried out on behalf of a third country entity. Where this is not the case, carrying out such activities should not give rise to registration requirements under this Directive.</p>	<p>SI (Drafting suggestions): Amend Recital (19): Insert reference that 'Activities of a purely academic, cultural, humanitarian or research nature, which are not intended to influence policy formulation or decision-making, shall not be considered interest representation activities.' This protects academic freedom and civil society activities.</p>
<p>(20) Activities carried out by officials of third country governments that are connected with the exercise of official authority, including activities related to the exercise of diplomatic relations between States or international organisations, should be excluded from the scope of this Directive. This Directive should also not cover activities carried out by lawyers consisting of the provision of legal advice or the representation in legal, conciliation or mediation proceedings of third country entities and</p>	

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<p>safeguarding their fundamental rights, such as the right to be heard, the right to a fair trial, and the right of defence. Professional advice other than legal advice should also be outside the scope of this Directive, such as procuring a professional or expert study to serve as evidence in support of arguments in court; getting technical or scientific advice on complying with technical legislation or using mediation services of a professional as mediators who are not necessarily certified lawyers. Ancillary activities such as catering, the provision of a venue, the printing of brochures or policy papers, or the provision of online intermediary services within the meaning of Regulation (EU) 2022/2065³, such as online platforms services, should not be covered by this Directive.</p>	
<p>(21) In order to harmonise transparency requirements, it is necessary to provide for a common definition of providers of interest representation services. Providers of interest representation services could be for example legal persons governed by private law, natural persons who individually engage in a professional lobbying activity, as well as other natural or legal persons whose principal or occasional occupation is to influence the public decision-making process, including lobbying and public relations companies, think tanks, civil society organisations, private research institutes, public research institutes offering research services, individual researchers and consultants.</p>	
<p>(22) For the purposes of this Directive, a definition of public officials should be provided covering both understood as Union officials of the European Union and officials of Member States. holding a legislative, executive, administrative or judicial office at national, regional or local level. Public officials falling within the definition of the Directive</p>	<p>CZ (Drafting suggestions):</p>

³ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EU (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>).

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<p><u>should be covered irrespective of whether they are appointed, elected or employed, whether temporary or permanent, paid or unpaid, and irrespective of the persons seniority.</u></p>	<p><i>Czechia reiterates its previous comments and thus does not support further broadening the definition.</i></p> <p>ES (Drafting suggestions): <i>Recital 22, (we should keep only the “national level”, so) “For the purposes of this Directive, a definition of public officials should be provided covering both Union officials and officials of Member States at national level”</i></p>
<p>(23) The government or authorities of a third country may be behind the decision of an entity to seek interest representation. This may be as a result of control exercised by the government or public authorities of a third country over the entity, in particular where it has a decisive influence on that entity through economic rights, contractual arrangements, or any other means. It may also result from situations where a third country government or authorities were behind the decision of the entity, in particular by giving instructions or directives. In order to capture such instances, the concept of third country entities should be understood as covering not only the central government and public authorities of third countries but also public or private entities, including Union citizens and legal persons established in the Union, whose actions can be ultimately attributed to that third country. Whether the actions of a public or private entity are to be attributed to a third country government or authority should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal</p>	

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<p>and economic environment prevailing in the third country in which the entity operates, including the government’s role in the economy of that country.</p>	
<p>(24) An interest representation activity should fall within the scope of this Directive if it is carried out on behalf of a third country entity. This means that it should cover interest representation services provided to third country entities. Furthermore, since a Nevertheless, third country governments may also rely on entities whose actions can be attributed to them to carry out interest representation activities instead of requesting interest representation service providers to carry out interest representation activities on their behalf. Such activities, which substitute activities of an economic nature, are and thus comparable to an interest representation service. These activities, the Directive should also cover such activities. It may thus also cover in-house interest representation by third country entities. fall within the scope of this Directive to facilitate a level playing field as well as prevent circumvention through the use of proxies should cover interest representation activities carried out on behalf of third country entities directed to natural or legal persons or carried out or brought to the public domain in one or several Member States.</p>	
<p>(25) This Directive should not cover activities supporting or aligned with the interests of a third country but without any link to that third country. This includes activities that constitute a manifestation of the freedom of expression and of the freedom to impart and receive information and ideas, or a manifestation of academic freedom, such as activities carried out by natural persons acting in a personal capacity, or journalists working for third country media whose actions cannot be attributed to a third country or do not qualify as interest representation as defined by this Directive. The provision of media services as defined in</p>	<p>FR (Drafting suggestions): (25) This Directive should not cover activities supporting or aligned with the interests of a third country but without any link to that third country. This includes activities that constitute a manifestation of the freedom of expression and of the freedom to impart and receive information and ideas, or a manifestation of academic freedom, such as activities carried out by natural persons acting in a</p>

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<p>Article 2 of Regulation (EU) XXXX/XXXX of the European Parliament and of the Council⁴ and the provision of audiovisual media services as defined in Article 1 of Directive 2010/13/EU of the European Parliament and of the Council⁵ will not fall within the scope of application of this Directive. However, interest representation activities carried out on behalf of third country entities within the meaning of this Directive by media service providers will be covered.</p>	<p>personal capacity, or journalists working for third country media whose actions cannot be attributed to a third country editorially independent from third countries or from entities financed or controlled by third countries or do not qualify as interest representation as defined by this Directive.</p>
<p>(26) For the purpose of interest representation services provided to a third country entity, any consideration received in return for the interest representation service in question should be considered as remuneration for the purposes of this Directive. This could cover financial contributions, such as loans, capital injection, debt forgiveness, fiscal incentives or tax exemption, where it is demonstrated that these are granted as a form of implicit remuneration for received in return of an interest representation activity on behalf of a third country entity. Remuneration could also include benefits in kind, such as the provision, construction and maintenance of office space in return for an interest representation service. In such situations, the interest representation services provider would be responsible for estimating the value of the benefit received, for example by using the market rate.</p>	<p>CZ (Drafting suggestions): <i>Generally, Czechia is reserved toward broadening or restricting the notion of remuneration, especially in recitals. Czechia with regard to its final position awaits the final position of relevant Articles.</i></p>
<p>(27) The Court has held that the essential characteristic of remuneration lies in the fact that it constitutes consideration for the services in question, and is normally agreed upon between the</p>	<p>CZ (Drafting suggestions):</p>

⁴ Regulation (EU) **2024/1083** of the European Parliament and of the Council of **11 April 2024** establishing a common framework for media services in the internal market **and amending Directive 2010/13/EU** (European Media Freedom Act) ~~and amending Directive 2010/13/EU~~ (OJ L, 2024/1083, 17.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1083/oj>).

⁵ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1, ELI: <http://data.europa.eu/eli/dir/2010/13/oj>).

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<p><u>provider and the recipient of the service. Accordingly,</u> contributions to the core funding of an <u>entity</u> organisation or similar financial support, for example provided under a third country donor grant scheme, should not be considered as remuneration for an interest representation service where they are unrelated to an interest representation activity, that is, where <u>the interest representation activity is undertaken in pursuit of the established objectives of the entity and</u> the entity would receive such funding regardless of whether it carries out specific interest representation activities <u>on behalf of that third country.</u></p>	<p><i>Czechia is flexible towards the changes.</i></p>
<p><u>(27a) Moreover, the award of charitable tax status by a third country should not in and of itself constitute proof of a contract for an interest representation service. To be considered a form of remuneration for interest representation services for a third country, there should be a demonstrable link between the award of charitable tax status and the provision of a specific interest representation service on behalf of a third country.</u></p>	<p>CZ (Drafting suggestions): <i>Czechia perceives the addition of a new recital in a neutral manner.</i></p>
<p>(28) To ensure a comprehensive and transparent overview of the amounts used for an interest representation activity as a whole, annual amounts should, for the purpose of this Directive, include the total annual remuneration received from the third country entity for the provision of an interest representation service, and where no remuneration is received, the estimate of the annual costs related to the interest representation activity carried out. For the same reasons, these amounts should include the costs for subcontractors and ancillary activities.</p>	
<p>(29) Subcontractors may qualify as an entity carrying out interest representation on behalf of third country entities and thus fall within the scope of the obligations set out in this Directive. A high level of transparency is achieved by ensuring that all entities, regardless of whether they are subcontractors, register in national registers when</p>	<p>CZ (Drafting suggestions): <i>Czechia supports the changes.</i></p>

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<p>they carry out an interest representation activity on behalf of a third country entity. To ensure that entities carrying out such activities are able to <u>register and</u> comply with their <u>other</u> obligations under this Directive, even when the entity requesting the service is not the third country entity itself, information on the fact that the activity in question is an activity carried out on behalf of a third country should be transmitted to further subcontractors. Moreover, To reduce administrative burden and to avoid double-counting, for the purpose of the information provided to the register, the annual amount paid to the subcontractors should be excluded by the registered entity and provided by the subcontractors themselves. of remuneration, as well as to ensure information throughout a chain of contracts, entities carrying out interest representation activities should ensure that their contractual arrangements with subcontractors include information that the interest representation activity is carried out on behalf of a third country entity, as well as an obligation to pass on that information in cases where the activity is further subcontracted. On that basis, subcontractors should be exempted from the obligation to register and keep records, and where applicable, designate a legal representative, laid down in this Directive.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg);">PUBLIC</p>
<p>(30) To facilitate compliance with the registration requirements of this Directive, <u>providers of interest representation services should assess whether their service falls within the scope of this Directive, including by requesting</u> be entitled to ask the entity on whose behalf the service is provided to declare whether it is a third country entity. <u>Providers of interest representation services should make the best possible use of such declaration in order to make an informed choice enabling them to fully comply with the requirements set out in this Directive when exercising their activities. A false declaration by the third country entity should not automatically exonerate the providers of interest</u></p>	<p>BG (Drafting suggestions): The revision of the last two sentences of this recital are unclear and likely to create confusion. They place an excessive burden on service providers, whereas responsibility should lie with the entity submitting the declaration. Shifting this duty undermines the declaration’s purpose as a tool for clearly identifying the nature of the legal relationships between the parties.</p>

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<p>representation services from their responsibility to diligently assess whether the activity falls within the scope, in particular in cases where the identity of the third country entity is manifest. Providers of interest representation services should make the best possible use of this right in order to make an informed choice enabling them to fully comply with the requirements set out in this Directive when exercising their activities.</p>	<p>CZ (Drafting suggestions): <i>Czechia supports the changes.</i></p>
<p>(31) In order to support accountability and promote awareness of the third country interests they represent, entities carrying out interest representation activities on behalf of a third country entity should be required to keep certain records. These records should include a description of the purpose of the interest representation activity, in particular the decision-making process it seeks to influence and the result it seeks to obtain. Records should also include the identity of the third country entity, which in cases where the entity is a natural person should be understood as the natural person’s full name. They should also include copies of contracts and key exchanges essential to understanding the nature, and purpose of, and financial arrangements behind related to the interest representation activity, as well as the written declaration attesting that the entity on whose behalf the interest representation activity is carried out is a third country entity. information or material constituting a key component of the activity, such as position papers shared with public officials.</p>	<p>LT (Drafting suggestions): To ensure transparency of interest representation activities, we propose not to delete the provisions „and key exchanges essential to understanding the nature and the purpose of“, „information or material constituting a key component of the activity“.</p>
<p>(32) In line with data protection requirements, Entities carrying out interest representation on behalf of third countries should not be required to keep the personal data contained in those records only for as long as necessary to ensure that the supervisory authorities can carry out their supervisory and enforcement tasks. Any such records should be kept long enough to enable supervisory authorities to obtain, in</p>	

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<p>justified cases, the records kept on the third country entity and the interest representation activity. as well as the annually aggregated records.</p>	
<p>(33) In order to allow for effective oversight and ensure a level playing field with entities established in the Union, entities carrying out interest representation activities on behalf of a third country entity that do not have a place of establishment in the Union should be required to designate a legal representative established in the Union and ensure that their designated legal representative has the necessary powers and resources to cooperate with the relevant authorities.</p>	<p>CZ (Drafting suggestions): <i>Czechia is not against the addition.</i></p>
<p>(34) In order to provide for minimum harmonised transparency requirements across the internal market, entities carrying out interest representation activities on behalf of a third country entity should be required to register in national registers at their place of establishment. Subsequent updates to an existing registration including the annual amounts covering interest representation activities should also be submitted to take place in that national register. These registers should be set up, operated and maintained by the Member States. Member States may make use of their existing national registers for the purpose of this Directive, provided that the requirements of this Directive are complied with. In order to respect national divisions of competence, Member States should be entitled to set up more than one such registers. In such cases, Member States should ensure that the respective scope of each national register is clearly defined to enhance legal certainty for entities required to register. establish rules indicating in which national register entities carrying out interest representation activities on behalf of third countries should register. Logs of personal data processing activities within the national registers should not be kept longer than necessary to monitor the lawfulness of access to personal data and should therefore be limited to a year.</p>	

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<p>(35) Pursuant to Regulation (EU) 2018/1724 of the European Parliament and of the Council⁶, information on the registration obligations and formalities established by this Directive should be is available via the Single Digital Gateway which, through the Your Europe web portal, sets up a one-stop shop that provides businesses and citizens with information about rules and procedures in the Single Market, at all levels of government and direct, centralised, and guided access to assistance and problem-solving services as well as to a wide range of fully digitised administrative procedures. In addition, the procedure for registration is should be fully online and organised in accordance with the ‘once only’ principle to facilitate the reuse of data.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg); pointer-events: none;">PUBLIC</p>
<p>(36) The entity should be required to register only in the Member State where it is established. Where the entity carrying out interest representation activities on behalf of a third country entity is established in several Member States, registration should only take place in the Member State where the entity has its main establishment. The main establishment of the entity should be understood as the place where the entity has its head office or registered office within which the principal economic activities and operational control are exercised.</p>	<p>BE (Drafting suggestions): Strong preference to keep the ‘main establishment’ criterium (instead of the ‘main activity’ criterium) with a view to the unique registration, to provide for administrative clarity and to reduce the administrative burden and costs to a minimum.</p> <p>SI (Drafting suggestions):</p>

⁶ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1724/oj>)

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	<p>Replace in Recital (36): 'registration should only take place in the Member State where the entity has its main establishment' → 'registration should take place in the Member State where the entity is established'.</p> <p>Ensures consistency with internal market logic.</p>
<p>(37) The minimum set of information to be included for the purpose of this Directive in the registration should be harmonised limited to what is necessary to ensure the common transparency of the interest representation activities carried out on behalf of third countries and the effective enforcement of this Directive. Such information should include data concerning the entity carrying out interest representation activity itself, the third country on whose behalf the activity is performed, the identity of subcontractors as defined in this Directive carrying out interest representation activities, and information concerning the specific interest representation activity carried out. Where applicable, it should also include a reference to media service providers or online platforms where advertisements are placed as part of the interest representation activity. To facilitate uniform application, Member States should ensure that, for registration purposes, an entity must provide the minimum set of information required by this Directive. Member States should be able to request more information under national law, even from entities not registered in that Member State, as long as such a request is consistent with the objectives of this Directive and respects Union law. The registration should not concern information on the amounts or origin of financial support received that is unrelated to an interest representation activity.</p>	<p>LT (Drafting suggestions):</p> <p>In order to ensure transparency of interest representation activity and to allow for the maintenance of national law provisions on the obligation to provide information on the nature and objectives of a specific case of activity promptly after the activity (e.g. within 5 working days), and to avoid a contradiction between the provisions of recitals 36 and 37, we propose to supplement the penultimate sentence as follows:</p> <p><i>„Member States should be able to request more information under national law, even from entities not registered in that Member State, as long as such a request is consistent with the objectives of this Directive and respects Union law, <u>for example, they could impose an obligation to provide more information on the nature and objectives of the interest representation activities carried out and specific cases thereof no later than one week from the start of a specific case of interest representation activity.</u>”.</i></p>

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<p>(38) To ensure that the information provided for the purposes of registration continues to allow the authorities responsible for the national registers to correctly and precisely identify the third countries on whose behalf interest representation is being carried out and how much is being spent on those activities, the Commission should be empowered to adopt delegated acts adapting the standard set of information.</p>	
<p>(39) Entities carrying out interest representation activities on behalf of third countries, registered in a national register, should update information in the national register and no later than one month from when the change occurred at least once a year. However, any changes with regards to information related to the third countries on whose behalf the registered entity is acting or related to the Member States in which the interest representation activity is carried out, shall be reported before more quickly, at the latest, at the start of the relevant interest representation activity.However, in view of the importance of the accuracy of the information held in such national registers for the application and oversight of the Directive, any changes or additions to the contact information of the registered entity should be made more quickly, and in any event within a reasonable period of time.</p>	<p>BG (Drafting suggestions): The current drafting requires reporting of changes „before start of the relevant activities“. This mirrors the same concern we raised in Article 10. A more realistic approach would be to allow a short post-activity deadline, for example 7 days, ensuring legal certainty and avoiding operational difficulties.</p> <p>CZ (Drafting suggestions): <i>Czechia supports the changes</i></p>
<p>(40) The authority responsible for each national register should ensure that the information provided is complete and does not contain manifest errors, <u>that is, mistakes that are obvious, self-evident or apparent without detailed investigation. The authorities’s assesment</u> That should not involve an in-depth evaluation of the accuracy or truthfulness of the information provided and should not be understood as an official endorsement of the accuracy of the information included in the national register. A refusal to include an entity in the register due to incomplete or</p>	<p>CZ (Drafting suggestions): <i>Czechia does not support the addition as it constitutes a pleonasm without evident added value.</i></p>

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<p>manifestly incorrect information should not prevent that entity from submitting a new registration request.</p>	
<p>(41) Entities carrying out an interest representation activity on behalf of third countries should be able to demonstrate that they have complied with the registration requirements. Once registered, an entity should be provided with a copy of the information included in a national register and a unique European Interest Representation Number ('EIRN'). The EIRN should serve as a means to facilitate the identification across the Union of entities registered pursuant to this Directive. The composition of the EIRN should therefore allow the identification of the Member State of registration and the specific national register in which registration has taken place. The choice of the code identifying the national register of registration should appear logical to persons familiar with the organisation of the Member State concerned.</p>	
<p><u>(41a) There may be instances where a registered entity no longer carries out interest representation activities on behalf of third countries. To ensure that national registers provide an accurate and up to date image of the entities carrying out such activities, Member States should ensure that national rules provide for a procedure to remove such an entity from the register, at the initiative of the competent authority or following a request by the registered entity.</u></p>	<p>CZ (Drafting suggestions): <i>Czechia supports the changes and deems that they are also more suitable to be used in the text of corresponding articles.</i></p>
<p>(42) Once they are registered in the Member State of their place of establishment, registered entities should not be required to register in other Member States, including when they launch an interest representation activity <u>carried out on behalf of a third country</u> there. However, to facilitate the access by public officials to information on entities carrying out interest representation activities with whom they might interact, other Member States where such activities will be carried out should, <u>upon notification by the Member State of registration,</u></p>	<p>CZ (Drafting suggestions): <i>Czechia is neutral to the proposed changes.</i></p> <p>EL (Drafting suggestions):</p>

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<p>include in their own national registers, <u>a corresponding entry with all the information required by this Directive for registration</u> the names of the registered entities concerned, and the their EIRN of the concerned entity, and the link to the information contained in the national register of registration, as well as information on whether entity has requested a derogation from the publication, and made publicly available. This should not prevent those Member States from requesting more information from entities registered in other Member States under their national law, <u>including before the start of the interest representation activity in their territory</u>, provided that such a request is consistent with the objective of this Directive and respects Union law.</p>	<p>Greece appreciates the addition by the PCY of the possibility for MS to request more information from entities registered in other MS under their national law, including before the start of the interest representation activity in their territory. Greece believes that this addition enables MS which wish to achieve a higher level of transparency, to overcome some of the limitations imposed by the single registration and the principle of main establishment.</p> <p>LT (Drafting suggestions):</p> <p>In order to ensure transparency of interest representation activity and monitoring compliance with the provisions of the Directive, we propose adding the following provision to the last sentence:</p> <p><i>„This should not prevent those Member States from requesting more information from entities registered in other Member States under their national law, including before the start of the interest representation activity in their territory, <u>as well as more information on the nature and objectives of the interest representation activities carried out and specific cases thereof</u>, provided that such a request is consistent with the objective of this Directive and respects Union law.</i></p> <p>FI (Drafting suggestions):</p>

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	<p>The recital explicitly states two important condition 1) other Member States, than the Member State of their place of establishment, should include in their own national registers all those entities, and the information they have provide by this Directive, that have activity in their territory and 2) could request from entities registered in other Member States more information under their national law.</p> <p>However, what it does not explicitly state is that these national rules may also contain different kinds of operational requirements, which would be the third important condition this recital is referring to. For example, if the Finnish supervisory authority would include the entity registered in other MS in the national transparency register (the so-called registration phase, that would be conducted of behalf of the entity following the single registration rule), the entity would then have to disclose the activity by themselves twice a year by using the national Transparency Register System’s disclosure procedure (disclosure phase). The disclosure phase in Finland’s transparency register is an example from an operational obligation that would be possible to be set by MS regardless of the harmonized single registration rule. As in this type of technical legislation</p>

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	<p>the operational side plays such a big role, as it affects direct how MS's could implement the legislation in their national register systems, the possibility to set them should be explicitly stated in the recital. Hence, Finland suggests an addition to the 42 recitals last sentence (addition bolded and red):</p> <p style="text-align: center;">This should not prevent those Member States from requesting more information from entities registered in other Member States under their national law by setting operational requirements, <u>including before the start of the interest representation activity in their territory</u>, provided that such a request is consistent with the objective of this Directive and respects Union law.</p> <p>SE (Drafting suggestions): SE supports the proposal from FI to add 'or setting operational requirements for' to the last sentence.</p>
<p>(43) To ensure compliance with the requirements of this Directive registration requirement, supervisory authorities should be able to ask entities the necessary information. Such request by supervisory authorities should be proportionate and <u>limited to consistent with the</u></p>	<p>CZ (Drafting suggestions):</p>

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<p>purpose of monitoring and assessing compliance with this Directive, where they have reliable information that an entity failed to register, for example based on a report by a whistleblower, be able to ask the entity to provide the information strictly necessary to establish whether it falls within the scope of this Directive. Such information should typically not extend beyond information directly capable of demonstrating whether it falls within the scope of this Directive. It could consist of the information of the type covered by the record-keeping obligation, including any declarations obtained as to whether an entity on whose behalf an interest representation service is provided is a third country entity. Where possible, the request should be limited to information that should be in the possession of the entity. In addition, supervisory authorities should, where they have reliable information of possible non-compliance with the obligations flowing from registration, be able to ask an entity to provide the information necessary to investigate such possible non-compliance. Such information should typically not extend beyond information directly capable of demonstrating the completeness or accuracy of the information provided as part of the requirement to register and to update. Where possible, the request should be limited to information that should be in the possession of the registered entity. Any such requests should contain a statement of reasons, the information sought and the reasons for its relevance, and information on judicial review procedures available. Such requests should be without prejudice to national authorities' powers to investigate any conduct liable to constitute criminal offences as provided in national law and Union law.</p>	<p><i>Czechia perceives the changes in a negative manner, as well as those in Article 15.</i></p> <p>LT (Drafting suggestions):</p> <p>We propose to add the following new sentence: <u>„Requests for information by supervisory authorities may also be based on the purposes of monitoring and assessing compliance with additional measures by Member States, such as the obligation to request more information on the nature and objectives of interest representation activities and specific cases thereof, which could ensure greater transparency.”.</u></p>
<p>(44) Democratic accountability is a pillar of well-functioning democracies. By providing for citizens' access to information on entities carrying out interest representation activities on behalf of third countries active in the internal market, as well as the third country entities they</p>	

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<p>represent, this Directive enables citizens and other interested stakeholders to exercise their democratic rights and responsibilities, including their ability to exercise democratic scrutiny in full knowledge of whose interest are being served by the interest representation activities to which they, or their elected representatives, may be exposed. Public scrutiny by citizens and interested stakeholders on issues affecting the democratic sphere supports democratic checks and balances. Democratic accountability also supports citizens' empowerment, allowing them to express and exercise their democratic choices, including when they vote. As voters, citizens are important decision makers in their own right, and as such, they can be the target for certain interest representation services.</p>	
<p>(45) To ensure proportionality, when personal data is made publicly available, it should be limited to what is strictly necessary to the purpose of informing citizens, their representatives and other interested parties about interest representation activities carried out on behalf of third countries. In addition, information on the annual amounts declared should be made publicly available using more general ranges than the ones used for the submission of information to national registers, to ensure the level of detail necessary for the purpose of informing citizens, their representatives and other interested parties. Information that is of relevance only to supervisory authorities, such as the contact details of the persons responsible for a registered entity, should not be made publicly available.</p>	
<p>(46) To facilitate access by citizens, the information should be presented in a format which is easily accessible and machine readable, clearly visible and user friendly, including by using plain language. Information should be considered machine readable if it is provided in a format that software applications can automatically process, without human intervention, in particular for the purpose of identifying,</p>	

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<p>recognising and extracting specific data from it. Information should be made available in accordance with the accessibility requirements under Union law to ensure accessibility for persons with disabilities, and in particular, via more than one sensorial channel when technically feasible. Registration may take place in a Member State different to the one in which an interest representation activity is carried out. The accessibility of information to citizens across the Union is substantially improved where that information is made available in at least one official language of the Union broadly understood by the largest possible number of Union citizens. Member States should be encouraged to use technical solutions which would allow translation of as much information as possible into such a language. Member States should however not be required to translate the information provided by registered entities.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg);">PUBLIC</p>
<p>(47) To ensure the protection of entities individuals that may be exposed by the publication of specific information to a violation of their fundamental rights, such as retaliations against individuals working for a registered entity operating in a third country, Member States should ensure that supervisory authorities entities are able, upon request, to restrict the restriction of the publication of whole or part of the information entered in the national register. <u>It should be possible to make such a request at any stage, whether at the time of registration or later. To protect the interests concerned, the information subject to such requests should not be made public until a final decision is taken.</u> The registered requesting entity should demonstrate that, taking into account all the relevant circumstances of the individual cases, publication should be restricted due to legitimate interests such as a serious risk that the publication would expose an individual to a violation of their fundamental rights in particular as protected by Articles 1 (Right to human dignity), 2 (Right to life), 3 (Right to the integrity of the</p>	<p>CZ (Drafting suggestions): <i>Czechia supports the changes.</i></p> <p>FI (Drafting suggestions): We do not see how trade secrets could be a legitimate interest, as the goal of the directive is to reveal information, such as third country clients that service providers have, which could be seen as trade secrets. To implement this directive, we would have to implement to the national legislation an obligation to give at least Annex 1 information notwithstanding trade</p>

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<p>person), 4 (Prohibition of torture and inhuman or degrading treatment or punishment) or 6 (Right to liberty and security of the Charter, such as kidnapping, blackmail, extortion, harassment, violence or intimidation), or such as trade secrets. The analysis should take into account risks to the physical integrity of employees, or any individuals working for or affiliated to a registered entity. Legitimate interests should also cover risks to individuals that benefit from the activities of the registered entity. Any Decisions on such requests by the supervisory authority should take into account the objectives of this Directive and should be subject to judicial review procedures, including judicial redress in the Member State of registration. As a first step in the review procedure, an administrative review mechanism for such decisions could apply in accordance with national law, provided that judicial redress remains available. Such The decisions by the supervisory authority and where applicable, judicial jurisdiction, should be taken promptly. Member States should also ensure that review procedures are carried out within a reasonable period of time. To enable the public to know that the registered entity has complied with the registration requirement established by this Directive where a restriction of publication is granted, the data field in the national register should be replaced by a mention indicating that the publication has been limited on grounds of legitimate interest.</p>	<p>secrecy. Now it seems that the recital leaves room for entities to ask MS to hide trade secret information, which would mean hiding the clients name from the public part of the register – this would seem to be against the purpose of this directive. Hence, we do not understand, how in the context of this directive there can even be a legitimate trade secret interest, as the directive is about transparency of the interest represent activity (services).</p> <p>We see that other mentioned legitimate interests are really important and are setting the bar for hiding the information really high. Only the final wording “such as trade secrets” seems to be careless and not in the same level with other interests. Hence, we suggest that the phrase “such as trade secrets” is deleted. This would still not mean that the register would reveal other trade secrets than potentially those referred in Annex 1 – namely the names of third country clients. Without this change we fear that this recital could create an unwanted loophole for hiding information from the public – which then could even turn against this directive and could be used to create unrest and tension.</p> <p>SE (Drafting suggestions):</p>

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	<p>(47) To ensure the protection of entities individuals that may be exposed by the publication of specific information to a violation of their fundamental rights, such as retaliations against individuals working for a registered entity operating in a third country, Member States should ensure that supervisory authorities entities are able, upon to request, to restrict the restriction of the publication <u>in the national register</u> of whole or part of the information entered in the national register. <u>It should be possible to make such</u> a request at any stage, whether at the time of registration or later. To protect the interests concerned, the information subject to such requests should not be made <u>public publicly available in the national register</u> until a <u>final</u> decision is taken. The registered requesting entity should demonstrate that, taking into account all the relevant circumstances of the individual cases, publication should be restricted due to legitimate interests such as a serious risk that the publication would expose an individual to a violation of their fundamental rights in particular as protected by Articles 1 (Right to human dignity), 2</p>

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	<p>(Right to life), 3 (Right to the integrity of the person), 4 (Prohibition of torture and inhuman or degrading treatment or punishment) or 6 (Right to liberty and security of the Charter, such as kidnapping, blackmail, extortion, harassment, violence or intimidation), or such as trade secrets. The analysis should take into account risks to the physical integrity of employees, or any individuals working for or affiliated to a registered entity. Legitimate interests should also cover risks to individuals that benefit from the activities of the registered entity. Any Decisions on such requests by the supervisory authority should take into account the objectives of this Directive and should be subject to judicial review procedures, <u>including judicial redress</u> in the Member State of registration. <u>As a first step in the review procedure, an administrative review mechanism for such decisions could apply in accordance with national law, provided that judicial redress remains available.</u> Such The decisions by the supervisory authority and where applicable, judicial jurisdiction, should be taken promptly. <u>Member States should also ensure that review procedures are carried out within a reasonable period of time. This is without prejudice to the right for Member States to handle requests for access to public documents in accordance with</u></p>

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Presidency compromise text	Drafting suggestions and N/A
	<p>their national law. To enable the public to know that the registered entity has complied with the registration requirement established by this Directive where a restriction of publication is granted, the data field in the national register should be replaced by a mention indicating that the publication has been limited on grounds of legitimate interest.</p>
<p>(48) To support the identification by public officials of interest representation activities carried out on behalf of third countries, registered entities and their subcontractors should provide the EIRN in their direct contacts with such persons, <u>without prejudice to national rules applicable to public officials.</u> The EIRN should be presented proactively in each contact with public officials.</p>	<p>CZ (Drafting suggestions): <i>Czechia supports the changes.</i></p>
<p>(49) Member States should designate one or more authorities or bodies in charge of setting up and maintaining the national registers and processing requests for registration submitted by entities carrying out interest representation activities on behalf of third countries. They Member States should also designate one or more supervisory authorities in charge of supervising the compliance with and enforcing the obligations laid down in this Directive as well as of the exchange of information with the supervisory authorities of other Member States and the Commission. To support the upholding of fundamental rights and freedoms, the rule of law, democratic principles and public confidence in the oversight of these entities, it is necessary that supervisory authorities are impartial and independent in the exercise of their functions from external intervention or political pressure and are appropriately empowered and resourced to effectively monitor and take the measures</p>	

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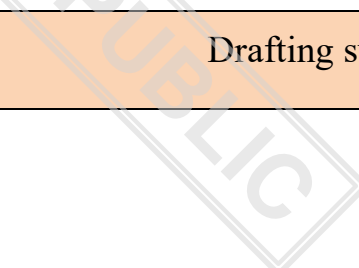
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<p>necessary to ensure compliance with this Directive. Member States should be able to designate the authorities responsible for the national registers as supervisory authorities, as long as the condition of independence in the exercise of their functions is fulfilled.</p>	
<p>(50) In order to prevent stigmatisation of the registered entity, the data made publicly available should be presented in a factual and neutral way. In addition, 7 competent national authorities should carrying-out the tasks assigned to them under this Directive in a way that minimises the risk of stigmatisation for the entities concerned. ensure that no adverse consequences arise from the mere fact that an entity is a registered entity. In particular, the publication should not be presented with or accompanied by statements or provisions that could create a climate of distrust with regard to the registered entities, apt to deter natural or legal persons from Member States or third countries from engaging with them or providing them with financial support. Examples of such stigmatising actions include negatively labelling the registered entities or making disparaging statements seeking to undermine registered entities' credibility and legitimacy by implying that registered entities are seeking to unlawfully influence democratic processes.</p>	
<p>(51) Where a third country spends particularly large amounts on interest representation, or where an entity receives particularly large amounts of remuneration from one or several third country entities, there is heightened likelihood that the interest representation activities carried out would successfully influence the political choices of a Member State or of the Union as a whole. In such cases, supervisory authorities should be able to request additional information from entities carrying out interest representation activities carried out on behalf of such third countries in order to exercise greater scrutiny.</p>	

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<p>(52) To ensure a proportionate oversight of this Directive, supervisory authorities should be able to ask an entity carrying out interest representation activities on behalf of third country entities to provide the records necessary to investigate possible non-compliance with the registration requirement set out in this Directive. For that purpose, supervisory authorities should be able to act on their own motion or on the basis of a report by a whistleblower or the supervisory authority of another Member State.</p>	
<p>(53) Supervisory authorities should cooperate both at national and at Union level. Such cooperation should facilitate the swift, secure and exchange of information in a swift and secure manner. For the purpose of exercising their supervisory tasks, supervisory authorities should be able to request, from the supervisory authority in the Member State of registration <u>or in the Member States where the interest representation activity takes place, the information which is necessary to carry out their tasks under this Directive.</u> provided in the registration, including that which is not public, and in specific cases the records kept by the entity, as well as analyses carried out. Supervisory authorities and the Commission should cooperate to ensure the implementation of the Directive. <u>Member States should ensure that upon receipt of a request for information, their supervisory authorities transmit the information requested unless they consider that it is not necessary for the purpose of ensuring compliance with this Directive in which case they should provide the requesting authority with an explanation.</u> To better understand the size and the distribution of the overall interest representation activities that are carried out on behalf of third countries in the Union. The Commission should <u>publish a report based on the information provided by Member States.</u> be able to request, from supervisory authorities, aggregate data based on the information provided</p>	<p>CZ (Drafting suggestions): <i>Czechia will further examine the addition of the possibility of not providing information. However, if this option were to be applicable in practice, it should be explicitly included in the text of one of the articles of the Directive, e.g. Article 17.</i></p>

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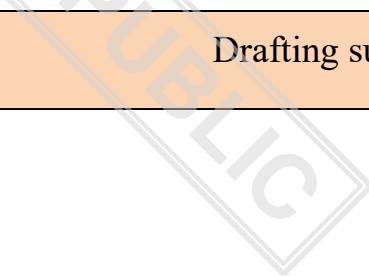
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<p>by entities carrying out interest representation carried out on behalf of third country entities in their registration. In order to comprehensively monitor the modalities and the features of the interest representation activities carried out on behalf of third countries that are carried out in the Union, such aggregate data may include information that is not publicly available in the registers including personal data to the extent that is necessary to ensure an effective monitoring.</p>	
<p>(54) To further limit administrative burden, administrative cooperation and exchanges of information between the national authorities, as well as the supervisory authorities and the Commission takes place through the Internal Market Information System ('IMI system') established by Regulation (EU) 1024/2012 of the European Parliament and of the Council⁷ for administrative cooperation between Member States' competent authorities in Single Market related policy areas. The interoperability of the IMI system and the national registers should be ensured in line with the European Interoperability Framework. <u>Member States could, on a voluntary basis in close cooperation with the Commission, implement the necessary technical requirement to enable automatic exchange of information between their national registers and the IMI system.</u></p>	<p>CZ (Drafting suggestions):</p> <p><i>In line with its comments on Article 11, Czechia supports the move towards automation. However, this should not be a voluntary but mandatory requirement. This is the only way to effectively reduce the administrative burden that would otherwise be associated with the transmission of information.</i></p>
<p>(55) For the purposes of assisting the Commission in its task to ensure smooth effective cooperation among competent national authorities, and the complete and effective implementation of this Directive, an advisory group should be established. The advisory group should include up to two a-representatives and up to two alternate representatives from the</p>	<p>CZ (Drafting suggestions):</p> <p><i>Czechia supports the changes.</i></p>

⁷ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/1024/oj>).

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<p>supervisory authorities of each Member State. The advisory group should assist the Commission advise on the implementation of the Directive, including by facilitating exchanges and sharing information and best practices. on the requirement to avoid that adverse consequences arise from the mere fact that an entity is registered pursuant to the requirements laid down in this Directive. It should adopt opinions, recommendations or reports by a simple majority of its members. that should be made public by the competent national authorities designated by Member States. In order to ensure legal certainty for entities that may fall in the scope of the Directive, the advisory group should, in particular, advise the Commission on possible guidance on the scope of the Directive, the notion of third country entity, and activities whose object or effect of which is to circumvent obligations in this Directive. The advisory group could cooperate Cooperation should be ensured as appropriate with the EU network against corruption as appropriate.</p>	
<p>(56) Whistleblowers can bring new information to the attention of supervisory authorities that can help them detect infringements of this Directive, including attempts to circumvent its obligations. In order to ensure that whistleblowers are able to alert the supervisory authorities to actual or potential infringements of this Directive and to protect the whistleblowers from retaliation, Directive (EU) 2019/1937 of the European Parliament and of the Council⁸ should be applicable to the reporting of breaches of this Directive and to the protection of persons reporting such breaches.</p>	
<p>(57) Reporting of breaches by whistleblowers can be key to prevent, deter, or detect breaches of rules in the area of transparency and</p>	

⁸ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17, ELI: <http://data.europa.eu/eli/dir/2019/1937/oj>).

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<p>supervision of the provision of services provided in the internal market with relevance to public decision-making, such as interest representation services. Given the public interest in shielding public decision-making from such breaches, and the possible harm to citizens' trust in democratic institutions that can be caused by such breaches, and in view of the fact that the provisions of this Directive do not fall within the policy areas set out in Article 2(1)(a) of Directive (EU) 2019/1937, it is necessary to adapt those areas. Article 2 and the Annex to Directive (EU) 2019/1937 should therefore be amended accordingly.</p>	
<p>(58) The participation, knowingly and intentionally, in activities the object or effect of which is to circumvent obligations in this Directive, notably registration requirements, should be prohibited. Such activities include covert remuneration for a representation service, the setting up of companies with a view to obfuscating links to third country governments, or the artificial distribution of activities across multiple entities with a view to falling short of the thresholds established by this Directive.</p>	
<p>(59) In order to deter non-compliance with the requirements of this Directive and to sanction the same, Member States should ensure that any infringements of the obligations laid down in this Directive are accompanied by effective, proportionate and dissuasive penalties administrative fines. Sanctions should not be criminal in nature. Sanctions Penalties should take into account the nature, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of activities carried out, and the economic capacity of the entity carrying out interest representation activities. Sanctions Penalties and other remedies or corrective measures should in each individual case be effective, proportionate and dissuasive, with due respect for fundamental rights including freedom of expression, association, academic freedom and freedom of scientific research, safeguards and access to effective</p>	<p>CZ (Drafting suggestions): <i>Czechia draws attention to the inconsistency of the last added part of Recital 59 with Article 22, from which the limitation to administrative penalties is not so clearly apparent and proposes that this be rectified by amending the recital or clarifying the article.</i></p> <p>DE (Drafting suggestions):</p>

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<p>remedies, including the right to be heard. <u>For infringements of this Directive Member States are free to apply only administrative penalties in accordance with their national law.</u> They should follow a prior early warning issued by a supervisory authority, except when such infringement amounts to a violation of the prohibition of circumvention.</p>	<p>“In order to deter non-compliance with the requirements of this Directive and to sanction the same, Member States should ensure that any infringements of the obligations laid down in this Directive are accompanied by effective, proportionate and dissuasive penalties. Penalties and other remedies or corrective measures should take into account the nature, recurrence and duration of the infringement in view of the public interest at stake, the scope and kind of activities carried out, and the economic capacity of the entity carrying out interest representation activities. Penalties should in each individual case be effective, proportionate and dissuasive, with due respect for fundamental rights including freedom of expression, association, academic freedom and freedom of scientific research, safeguards and access to effective remedies, including the right to be heard. For infringements of this Directive Member States are free to apply only administrative penalties in accordance with their national law. Where Member States impose financial penalties, they should be able to choose between fixed and</p>

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	<p>turnover-related (minimum) maximum amounts. For serious infringements, criminal sanctions may also be taken into account.</p> <p><u>Justification:</u></p> <p>Firstly, other remedies or corrective measures should not be included. After giving this further thought, Germany rejects this new language for constitutional reasons. The consequence of being removed from the register would be that henceforce the entity is no longer allowed to perform interest representation activities. This would be a violation of fundamental rights because it would deprive professional organizations from the right to conduct their business and civil society organizations from their right to freedom of expression. Such rights cannot only be denied only because of lack of transparency, see also the very recent argumentation of the Venice Commission towards the Georgian Foreign agent Registration Act (AMICUS CURIAE BRIEF, 15th of October 2025, CDL-AD(2025)035, No. 9)</p>

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	<p>Secondly, it should be up to the Member States to decide about maximum fines. And – given the situation in certain Member States – the directive has to be flexible on the question of criminal sanctions. When foreign interference in democratic process constitutes a growing risk, then Member States should be allowed to make use of all possible sanction mechanisms, including criminal ones. We do not think that this is sufficiently clear and therefore suggest additional language.</p> <p>SE (Drafting suggestions): SE welcomes the clarification that Member States are free to apply only administrative penalties in accordance with their national law.</p>
<p>(60) — In order to amend the thresholds for requesting further information, to modify the list of information to be provided when submitting a request for registration, and to modify the list of information to be included in the reports published by Member States, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement</p>	

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<p>of 13 April 2016 on Better Law-Making⁹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	
<p>(61) In order to ensure the effective monitoring of the application of this Directive, the Commission should report on its implementation at regular intervals, where relevant in connection with reports on other relevant Union legislation. In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, the Commission should evaluate this Directive in order to assess its effects and the need for any further action.</p>	
<p>(62) Since the objectives of this Directive, namely the contribution to the proper functioning of the internal market for interest representation activities, cannot be sufficiently achieved by the Member States and can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	
<p>(63) In particular, a Union-level system supports competent national authorities in their oversight functions and other stakeholders to exercise their role in the democratic process and increases the overall resilience of democracies in the Union against interference by third countries. There is an added value from addressing the transparency of interest representation activities carried out on behalf of third countries in the to</p>	

⁹ OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj

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<p>influence at Union level, as the likely cross-border nature of such activities requires a coordinated approach across multiple levels and sectors. By collaborating and sharing information, Member States are able to obtain a better understanding of the extent of the phenomenon, which helps to avoid that third countries are able to exploit regulatory differences or loopholes.</p>	
<p>(64) When implementing this Directive, Member States should seek to minimise the administrative burden on the entities concerned, and in particular those of micro, small and medium-sized enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council¹⁰.</p>	
<p>(65) Regulations (EU) 2016/679¹¹ and (EU) 2018/1725¹² of the European Parliament and of the Council apply to the processing of personal data carried out in the context of this Directive, including the processing of personal data to maintain the national register or registers on entities carrying out interest representation activities on behalf of third country entities, to access personal data in such national register or registers and to exchange personal data in the context of administrative cooperation and mutual assistance between Member States under this Directive, including the use of IMI, and the keeping of records in</p>	

¹⁰ Directive (EU) 2013/34 of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 17, ELI: <http://data.europa.eu/eli/dir/2013/34/oj>).

¹¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

¹² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

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<p>accordance with this Directive's record-keeping obligations. Any processing of personal data for such purposes should amongst others comply with the principles of data minimisation, data accuracy and storage limitation and fulfil the requirements of data integrity and confidentiality. Member States should establish the measures ensuring lawful and secure processing as regards the processing of personal data contained in their national register or registers, in accordance with applicable legislation on the protection of personal data.</p>	
<p>(66) This Directive does not affect in any way the application of Union restrictive measures adopted pursuant to Article 29 TEU and Article 215 TFEU. In particular, it does not affect the prohibition to make available, directly or indirectly, funds or economic resources to or for the benefit of natural or legal persons, entities or bodies, or natural or legal persons, entities or bodies associated with them which are listed in Union restrictive measures.</p>	
<p>(67) This Directive should not affect the prerogatives of the Commission to initiate and conduct investigations of distortive foreign subsidies within the meaning of Regulation (EU) 2022/2560 of the European Parliament and of the Council¹³.</p>	
<p>(68) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹⁴, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to</p>	

¹³ Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ L 330, 23.12.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2560/oj>).

¹⁴ OJ C 369, 17.12.2011, p. 14.

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this Directive, the legislator considers the transmission of such documents to be justified.	
(69) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 6 February 2024 XXXX ¹⁵ ,	

¹⁵ EDPS opinion 11/2024 XXXX.

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HAVE ADOPTED THIS DIRECTIVE:	
<p>CHAPTER I – GENERAL PROVISIONS</p> <p><i>Article 1</i></p> <p><i>Object and purpose</i></p> <p>This Directive lays down harmonised requirements in relation to economic activities of interest representation carried out on behalf of a third country entity, with a view to improving the functioning of the internal market by achieving a common minimum level of transparency across the Union, in support of democratic accountability and public trust.</p> <p>The purpose of this Directive is to achieve that transparency in such a manner as to avoid creating a climate of distrust apt to deter natural or legal persons from Member States or third countries from engaging with or providing financial support to entities carrying out interest representation on behalf of a third country entity. The harmonised transparency requirements of this Directive do not affect Union or national rules regulating aspects on interest representation activities other than those covered by this Directive.</p>	<p>BG</p> <p>(Drafting suggestions):</p> <p>We support the principle of minimum harmonization and welcome the revision of the Article 1, which allows Member States the necessary flexibility to maintain or develop complementary frameworks tailored to national institutional environments.</p>

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Article 2 Definitions

For the purpose of this Directive, the following definitions apply:

(1) **‘interest representation activity’** means ~~an activity~~ **communication with public officials, irrespective of the format or medium, and conducted with the objective of influencing** ~~designed to influence~~ the development, formulation, **adoption** or implementation of policy or legislation, or public decision-making processes, in the Union **national, regional, or local level and with the exception of communications in the exercise of individual rights;** ~~which could in particular be performed through organising or participating in meetings, conferences or events, contributing to or participating in consultations or parliamentary hearings, organising communication or advertising campaigns, organising networks and grassroots initiatives, preparation of policy and position papers, legislative amendments, opinion polls, surveys or open letters, or activities in the context of research and education, where they are specifically carried out with that objective~~

CZ

(Drafting suggestions):

Czechia can support the clarification that the scope includes the adoption of policy or legislation. In general, Czechia reiterates its proposal to explicitly add in Section 1 the element of direct communication, which is in line with the proposed addition in Recital 18.

ES

(Drafting suggestions):

*-Art 2.1 (This article is aimed to define the scope of the interest representation activity from an objective point of view and including the term “in the Union” seems to refer to the geographic scope of the activity, which is not necessary and could leads to ambiguous interpretations). Thus, we suggest to eliminate **in the Union** in paragraph 1.*

LT

(Drafting suggestions):

In order to clarify the scope of the Directive and the overly broad concept of interest representation activities, we propose **to add the following provision at the end** (also in Recital 16a):

„The concept of interest representation activity includes activities, that influence policy implementation or public decision-making processes as far as they are related to the preparation, consideration and

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	<p><u>adoption of legal acts.</u>“</p> <p>SE (Drafting suggestions):</p> <p>See the comments to the definition of ‘official of a Member State’ below.</p>
(2) ‘interest representation service’ means an interest representation activity normally provided for remuneration, as referred to in Article 57 of the Treaty on the functioning of the European Union;	
(3) ‘interest representation service provider’ means a natural or legal person that provides an interest representation service;	
(4) ‘third country entity’ means: (a) the central government and public authorities at all other levels of a third country, with the exception of members of the European Economic Area;	

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(b) a public or private entity whose actions can be attributed to an entity referred to in point (a), taking into account all relevant circumstances;	
(5) ‘ancillary activity’ means an activity that supports the provision of an interest representation activity but has no direct influence on its content;	
(6) ‘annual amount’ means: (a) the total annual remuneration received from a third country entity for the provision of an interest representation service, consisting, where the remuneration is non-pecuniary, of its estimated value; or	
(b) where no remuneration is received, the estimate of the annual costs related to the interest representation activity carried out; taking into account the interest representation activity as a whole, including, when carried out by a service provider on the basis of contractual arrangements, costs for subcontractors and ancillary activities;	
(7) ‘subcontractor’ means an interest representation service provider with whom a main contractor, or one of its subcontractors, concludes a contract under which it is agreed that the subcontractor performs some or all parts of an interest representation activity that the main contractor has committed to carry out;	
(8) ‘registered entities’ means entities registered in a national register as referred to in Article 9 pursuant to Article 10;	
(9) ‘authority responsible for the national register’ means the public authority or body responsible for maintaining a national register as referred to in Article 9 and processing registrations submitted pursuant to this Directive;	

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(10) — ‘supervisory authority’ means the independent public authority responsible for the supervision of the compliance with and enforcement of the obligations laid down in this Directive;	
(11) ‘public official’ means: (a) a Union official or an official of a Member State;	
(b) an official of a Member State any other person assigned and exercising a public service function in a Member State;	
(12) ‘Union official’ means a person who is: (a) an official or other servant within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ¹⁶ ;	
(b) seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants; Members of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union officials, in as much as the Staff Regulations do not apply to them.	

¹⁶ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1, ELI: [http://data.europa.eu/eli/reg/1968/259\(1\)/oj](http://data.europa.eu/eli/reg/1968/259(1)/oj)).

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<p>(13) ‘official of a Member State’ means any person that is directly involved in the development, formulation, <u>adoption or implementation of policy or legislation, or public decision-making processes and either:</u></p> <p>a) holds holding an executive, legislative, or administrative, or judicial office in a Member State, or at national, regional or local level, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority and any person holding a legislative office at national, regional or local level</p>	<p>BG (Drafting suggestions):</p> <p>Given the diversity of administrative systems across the Union, we believe that Member States should retain the discretion to determine, in accordance with their national legal frameworks, which categories of public officials fall within the scope of the definition for ‘official of a Member State’. This flexibility would help ensure consistency with national legal traditions while maintaining the Directive’s objectives.</p> <p>ES (Drafting suggestions):</p> <p><i>-Art 2.13 We suggest to precise that the only officials concerned are those from the executive power at national level by saying in</i></p> <p><i>-art 13 a) holds an executive, legislative or administrative office in a Member State at national level</i></p> <p><i>-Art 13 b) exercises a public service fonction in a Member State at national level in accordance with national law</i></p>

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	<p><i>This would be also coherent with the drafting of articles 15 and 17 which when referring to supervisory authorities and cross border cooperation only mention the “national level”, creating further difficulties for implementation in Spain.</i></p> <p>SE (Drafting suggestions): SE opposes the word ‘implementation’ here and in the definition of ‘interest representation activity’. It could be understood as including officials who apply legislation in individual cases, especially if there is room for discretion. For the same reason that ‘or judicial’ was removed, it should be clarified that such officials are not included. According to SE, this could be achieved by removing the word ‘implementation’. Since decision-making in individual cases can contribute to the development of an established practice, SE considers recital 16a insufficient in order to exclude this.</p>

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	<p>SE further maintains that the scope should be limited to the national level. This would make the directive less comprehensive and lead to variations between Member States regarding which matters are covered. However, since Member States would have the option to include regional and local levels, SE still sees no compelling justification for a broader scope.</p>
<p>b) exercises a public service function in a Member State in accordance with national law.</p>	<p>FI (Drafting suggestions): This formulation seems problematic from the Finnish perspective, as this would mean that even different public association (for example Finnish Bar Association) and companies (for example public broadcasting company YLE), that may have some public duties but are now counted as lobbyists by the national transparency register, could be under the scope. This could complicate the implementations and affect the way we identify in Finland lobbying targets and lobbyist. These organisations have public duties, but they are by no means authorities or political decision-makers. We would suggest that this paragraph is deleted, as it seems that the point a is already wide enough and covers all the needed entities. We do not see that this would lead to a real loophole, as point a already covers every</p>

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	<p>important public entities that are in charge of the process and thus are “directly involved in the development, formulation, adoption or implementation of policy or legislation, or public decision-making processes”.</p> <p>Other option, if the idea was to leave this b point for MS to define through national law, would be a new phrasing: Public bodies other than those referred to in point (a), as defined in accordance with national law. This would leave the decision to MS, that could define which public bodies should be counted. This would of course vary by MSs, but this is a problem that already is in place in the current version, so this suggested version would not change the situation. Instead the new version could be more precise, as MS would have to define the entities that are counted in.</p>

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<p style="text-align: center;"><i>Article 3</i> <i>Scope</i></p> <p>1. This Directive applies to entities, irrespective of their place of establishment, carrying out the following activities:</p> <p>(a) an interest representation service provided to a third country entity either directly or <u>as a subcontractor through subcontracting</u>;</p>	<p>CZ (Drafting suggestions): <i>Czechia supports the proposed changes.</i></p> <p>SI (Drafting suggestions): Clarify in Article 3 (Scope): Add explicit exclusion: 'Activities of a purely academic, cultural, humanitarian or research nature, which are not intended to influence policy formulation or decision-making, shall not be considered interest representation activities.'</p> <p>Safeguards academic freedom and legal certainty.</p>
<p>(b) an interest representation activity carried out by a third country entity referred to in Article 2(4), point (4)(b), that is linked to or substitutes activities of an economic nature and is thus comparable to an interest representation service as referred to in point (a) of this paragraph.</p>	
<p>2. Notwithstanding paragraph 1 of this Article, this Directive shall not apply to the following activities:</p> <p>(a) activities carried out directly by a third country entity referred to in Article 2(4), point (4)(a), that are connected with the exercise of official authority, including activities related to the exercise of diplomatic or consular relations between States or international organisations;</p>	

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<p>(b) the provision of legal and other professional advice in the following cases:</p> <p>(i) advice to a third country entity to help it ensure that its activities comply with existing legal requirements;</p> <p>(ii) representation of third country entities in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before, or adjudicated on by, a judicial or administrative body;</p> <p>(iii) representation of third country entities in legal proceedings;</p>	<p>PUBLIC</p>
<p>(c) ancillary activities.</p>	
<p>2a. Contributions to the core funding of an entity or <u>third country donor grant funding or similar financial support including grants</u>, shall not be considered as remuneration for an interest representation service where <u>such funding is not conditional on the performance of an interest representation activity on behalf of a third country entity</u>, that is, where the entity would have received such funding regardless of whether it carries out specific interest representation activities or not.</p>	<p>SE (Drafting suggestions): SE welcomes the inclusion of the proposed texts from IE and NL here, in article 4 and in the recitals.</p>

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<p style="text-align: center;"><i>Article 4</i> <i>Level of harmonisation</i></p> <p>1. Member States shall not may maintain existing or introduce additional measures to promote a higher level of transparency or democratic accountability of interest representation activities for interest representation activities falling within the scope of this Directive provided that such measures are consistent with the objectives provisions diverging from those laid down in this Directive and respect Union law, including more, or less, stringent provisions to ensure a different level of transparency of those activities. <u>In particular, such measures shall not constitute arbitrary restrictions towards specific entities.</u></p>	<p>CZ (Drafting suggestions): <i>Czechia supports the addition in paragraph 1.</i></p> <p>SI (Drafting suggestions): Amend Article 4 (Level of harmonisation): 'Member States may maintain or introduce additional transparency measures provided they are consistent with the objectives and respect Union law.'</p> <p>Preserves national flexibility.</p>
<p>2. By derogation from paragraph 1 of this Article, Member States shall not maintain existing or introduce additional measures <u>diverging from in respect of</u> Article 10(1)-(3), Article 11(3), Article 22(2) and Annex II.</p>	<p>CZ (Drafting suggestions): <i>In view of the changes in Section 2, Czechia reiterates its question as to whether, in the case of Article 22(2), it will be possible to accept a derogation in national legislation with a view to setting a lower maximum limit for penalties.</i></p> <p>SI (Drafting suggestions):</p>

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	Amend Article 10(2): Replace 'main establishment' with 'establishment'. Ensures single registration principle and avoids overlap.

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<p style="text-align: center;">CHAPTER II – TRANSPARENCY AND REGISTRATION</p> <p style="text-align: center;"><i>Article 5</i> <i>Identification of the recipient of the service</i></p> <p>Member States shall ensure that interest representation service providers are under an obligation to assess whether the service provided falls within the scope of this Directive, including by requesting have the possibility to require the entity on whose behalf the service is provided to declare in writing whether it is a third country entity.</p>	<p>BG (Drafting suggestions):</p> <p>The newly introduced obligation for Member States to ensure that service providers assess whether the service falls within the scope of the Directive imposes an additional burden compared to the original proposal with no added value. Determining whether an activity is covered by the Directive should be based on the criteria set out in Article 3.</p> <p>CZ (Drafting suggestions):</p> <p><i>Czechia welcomes the addition which contributes to a better practical implementation of the obligations arising from the Directive.</i></p>
<p style="text-align: center;"><i>Article 6</i> <i>Subcontracting</i></p> <p>1. Member States shall ensure that entities referred to in Article 3(1) include, in their contractual arrangements with inform subcontractors, the information that the interest representation activity subcontracted falls within the scope of Article 3(1), as well as and that an obligation to pass on such information is passed on to any further subcontractors. Subcontractors that have been so informed shall not have to comply with the requirements of Article 7, Article 8, Article 10 and Article 11 in respect of the interest representation activity carried out under the contract containing that information.</p>	

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<p>2. Member States shall ensure that where the subcontractor subcontracts the interest representation service further, it shall inform the main contractor or, where applicable, the subcontractor from which it received the contract to carry out the interest representation activity, of the fact that the interest representation activity has been further subcontracted and ensure that the contractual arrangements include the information that the interest representation activity falls within the scope of Article 3(1).</p>	
<p>3. Member States shall ensure that the subcontractor provides the main contractor or, where applicable, the subcontractor with the information necessary to comply with the requirements of Article 10.</p>	
<p style="text-align: center;"><i>Article 7</i> <i>Record-keeping</i></p> <p>1. Member States shall ensure that entities referred to in Article 3(1) keep, for each interest representation activity that falls within the scope of that Article, records of the following:</p> <p>(a) the identity or name and address of the third country entity on whose behalf the activity is carried out, as well as the name of the third country whose interests are represented;</p>	<p>CZ (Drafting suggestions): <i>Czechia supports the changes.</i></p>
<p>(b) a description of the purpose of the interest representation activity;</p>	
<p>(c) contracts related to the and key exchanges with the third country entity essential to understand the nature and purpose of the interest representation activity, including contracts with sub-contractors, where applicable and the records of the means and extent of any remuneration;</p>	<p>LT (Drafting suggestions): To ensure transparency of interest representation activities, we propose not to delete the provision „<i>and key exchanges essential to understanding the nature and the purpose of</i>“.</p>

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(d) <u>information or material constituting a key component of the interest representation activity.</u>	
(da) the written declaration provided by the entity on whose behalf the service is provided pursuant to Article 5.	
2. Member States shall ensure that entities referred to in Article 3(1) keep the records referred to in paragraph 1 of this Article at least for 5 years after the interest representation activity in question has ceased.	
3. Member States shall ensure that entities referred to in Article 3(1) draw up, on an annual basis, the following: (a) a list of all third country entities on whose behalf they have carried out interest representation activities in the preceding financial year;	
(b) a list of the aggregated annual amount received in respect of the activities that fall within the scope of Article 3(1) in the preceding financial year per third country.	
4. Member States shall ensure that entities referred to in Article 3(1) keep records of the information referred to in paragraph 3 for 4 years.	

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<p style="text-align: center;"><i>Article 8</i> <i>Legal representative</i></p> <p>1. Member States shall require entities referred to in Article 3(1) that are not established in the Union to designate, in writing, a natural or legal person as their legal representative in one of the Member States where they carry out interest representation activities.</p>	<p>MT (Drafting suggestions):</p> <p>Here, there is still lack of clarity on the actions Member States may take against entities that do not appoint a legal representative within the European Union. The current compromise text does not specify whether such entities can be barred from conducting interest representation activities and, Malta considers it essential that the proposal clearly sets out the consequences in such cases.</p>
<p>2. Member States shall ensure that the legal representative is responsible for ensuring compliance by the registered entity with its the obligations pursuant to this Directive and is the addressee of all communications by competent national authorities with the relevant entity pursuant to Article 15. Any communication to that legal representative shall be deemed to be a communication to the represented entity.</p>	
<p>3. Member States shall ensure that the legal representative may be held liable for non-compliance with obligations under this Directive by the entity it represents, without prejudice to the liability and legal actions that could be initiated against that entity. Member States shall ensure that entities referred to in Article 3(1) provide their legal representative with necessary powers and sufficient resources to guarantee efficient and timely cooperation with the Member States' competent authorities, and to ensure the compliance with their decisions.</p>	<p>BG (Drafting suggestions):</p> <p>The wording places a heavy and potentially disproportionate responsibility on the legal representative, regardless of the circumstances.</p> <p>CZ (Drafting suggestions):</p>

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	<p><i>Czechia welcomes the amendments to the first sentence of Section 3 and considers them to be a step in the right direction. At the same time, however, it remains sceptical of the legal construction of Section 3 if it were to hold the legal representative liable for the infringement committed by the entity under Article 3(1). Although the deletion of one passage may, at first sight, potentially address the issue of imputability raised by Czechia before, Section 3 raises the question of which non-compliance with obligations under the proposal for a directive the legal representative would therefore be responsible. If the liability should extend to obligations directly imposed on legal representative (not an entity pursuant to Article 3(1)) of the Directive, and Czechia is in favour of such an approach, Section 3 is, however, superfluous.</i></p>
<p style="text-align: center;"><i>Article 9</i> <i>National registers</i></p> <p>1. Each Member State shall set up and maintain one or several more national registers for the purpose of ensuring transparency of interest representation activities carried out by entities referred to in Article 3(1).</p>	
<p>1a. For the purposes of paragraph 1 of this Article, Member States may make use of existing national registers provided where they meet the requirements set out in paragraphs 2, and 3 and 4 of this Article and in Article 10, Article 11 and Article 12.</p>	

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2. The national register or, as relevant, registers shall be maintained by an authority or authorities responsible for the national register registers . For the processing of personal data, such authorities shall act as controllers within the meaning of Article 4, point (7) of Regulation (EU) 2016/679.	
3. Member States shall ensure that the national registers referred to in paragraph 1 present information in a are set up and maintained in such a way as to ensure a neutral, factual and objective manner presentation of the information contained therein.	
4. Member States shall ensure that the authorities responsible for the national registers maintain logs of personal data processing operations within the national register. Those logs shall be deleted after a period of 1 year and may be used only for monitoring the lawfulness of access to personal data and for ensuring integrity and security of such data.	

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Article 10 Registration

1. Member States shall ensure that an entity referred to in Article 3(1) established in their territory registers in **at least one of the a-national registers referred to Article 9(1) at the latest when before the start of any** interest representation activities ~~are commenced.~~
~~Member States operating multiple national registers shall ensure that the respective scope of each national register is clearly defined, that such registers cover all entities that are required to register pursuant to the first subparagraph of this Article and that entities referred to in Article 3(1) may obtain information regarding which of the national registers they are required to register in.~~

BG

(Drafting suggestions):

On the issue of registration, Bulgaria remains open to working towards a solution that would be acceptable to all Member States. We take note of the concerns expressed by France and fully understand the need to ensure a transparent and coherent system across the Union. At the same time, it is important that the final approach does not create additional administrative or financial burdens for national authorities.

In this regard, we see merit in reviving the idea of a centralised European register, which could help streamline procedures, reduce duplication of efforts, and facilitate efficient and consistent information exchange among Member States..

EL

(Drafting suggestions):

On article 10, we reiterate our position, in principle, against single registration and the application of the country-of-origin principle. Greece supports that existing registers should continue to operate smoothly, otherwise additional administrative burden could be caused. We appreciate the PCY's proposal on recital 42, and we supported the previous proposal regarding the main activity principle. Greece

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	<p>encourages the PCY to continue its constructive efforts towards a balanced compromise.</p> <p>FR (Drafting suggestions):</p> <p>Le maintien du principe du pays d'origine présente un risque important de contournement, notamment via la pratique d'un forum-shopping pour l'enregistrement des représentants d'intérêts.</p> <p>Le critère de l'enregistrement dans l'Etat membre d'établissement représente également un risque que de nombreuses activités échappent au registre des pays où elles sont exercées, affaiblissant le niveau de contrôle recherché.</p> <p>Cette solution d'enregistrement représenterait une charge administrative importante pour les autorités compétentes.</p> <p>L'application de ce principe conduirait également à un affaiblissement des dispositifs nationaux existants, et des acteurs pourraient échapper à leurs obligations en vertu de ces dispositifs nationaux.</p> <p>MT (Drafting suggestions):</p>

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	<p>Malta maintains that any entity operating within the territory of a Member State should be required to provide information about its activities directly to the national authority of that particular Member State, even if the entity is registered in another Member State. This is especially the case given the flexibility for Member States in the compromise text to ask for more, and possibly a different type of, information than what is being required in Annex I of the Directive. In some cases, it can be reasonably expected that such scenarios would result in a Member State having to deal <i>de facto</i> directly with the entity registered in another Member State anyway. This approach is therefore viewed as essential for ensuring proper transparency and oversight at the national level.</p> <p>Nevertheless, we can agree to the shift in approach whereby registration is to be carried out in the Member State of the main activity, provided that the following issues are dealt with:</p> <ul style="list-style-type: none">- The decision on what is to be done in a situation where an entity carries out an equal number of interest representation activities in two or more Member States.

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	<ul style="list-style-type: none">- The determination of the consequences and the way forward in case activities change over time. In particular, would such an entity have to be deregistered and registered once again in a different Member State in which it is carrying out its main activities?
<p>2. If an entity referred to in Article 3(1) is established in more than one Member State, it shall register in the Member State of its main establishment.</p>	<p>BE (Drafting suggestions): Strong preference to keep the ‘main establishment’ criterium (instead of the ‘main activity’ criterium) with a view to the unique registration, to provide for administrative clarity and to reduce the administrative burden and costs to a minimum.</p> <p>FR (Drafting suggestions): Les autorités françaises réitèrent leur opposition à l’enregistrement unique dans le pays d’établissement, qui emporte des risques en termes d’efficacité du dispositif et de charge administrative des autorités</p>

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	compétentes. Un enregistrement dans tous les Etats où l'entité opère ou, à défaut, un enregistrement unique dans le pays principal d'activité serait plus adapté.
3. If an entity referred to in Article 3(1) is not established in the Union, it shall register in the Member State where its legal representative designated pursuant to Article 8 shall ensure that the entity is registered in the Member State where the legal representative is established or, in the absence of a place of establishment, where it has his or her its permanent address or where it usually resides.	
4. Member States shall ensure that, for the purpose of registration, an entity is required to submit only at least the information set out in Annex I.	
5. Member States shall ensure that before submitting the information pursuant to paragraph 4 of this Article , entities are informed that the information will be published in accordance with Article 12 and that they may request not to have the information published in accordance with Article 12(3).	

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<p>6. Member States shall ensure that registered entities submit the following information:</p> <p>(a) within a reasonable period of time, changes or additions to the data information provided pursuant to paragraph 4 within a reasonable period of time and no later than one three month from the date when the changes or additions occurred, and, with regards the information referred to in Annex I point 2 (c), annually by 15 February of each year for the preceding calendar year. However, any changes with regards to information related to the third countries on whose behalf the registered entity is acting or related to the Member States in which the interest representation activity is carried out, shall be reported, at the latest, at before the start of the relevant interest representation activity. provided pursuant to Annex I, point 1, points (a), (b), (f)(i) and (f)(ii);</p>	<p>BG (Drafting suggestions):</p> <p>The requirement that any changes must be reported “before the start of the relevant activity” is problematic. Such an obligation may be difficult to operationalise in practice, especially where activities evolve dynamically or depend on third-party input. A more flexible, post-activity deadline ensures legal certainty.</p> <p>CZ (Drafting suggestions):</p> <p><i>Czechia understands the need to establish, within the single registration process, a specific moment in the time when the obligations are to be fulfilled and generally supports the changes. However, as regards the date of 15 February, Czechia would appreciate clarification on the basis of which this date was set, as it does not coincide with either the end of the month or the quarter.</i></p> <p>LT (Drafting suggestions):</p> <p>It is not clear whether, even if they have the right to impose additional reporting under the Directive, Member States will in practice be able to maintain national provisions requiring them to provide information on the nature and objectives of a specific activity promptly after the event (e.g.</p>

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	<p>within 5 working days, i.e. much sooner than 1 month). Considering the objectives of the Directive and requirements of Annex I, we suggest adding the following provision to sentence 1 (or 2):</p> <p><i>„Member States shall ensure that registered entities submit the changes or additions to the information provided <...>, <u>and may additionally impose an obligation on registered entities to provide information, with regards the information referred to in Annex I points 2 (a)(iii), (d) and (g), no later than one week from the start of a specific case of interest representation activity.</u>”</i></p> <p>This would clarify the provisions of Recital 36 on the State of registration, as well as the provisions of Recitals 34, 37, 39 and 43 on the requirement to provide (update) minimum information, and would avoid a contradiction between Recitals 36 and 37.</p>
<p>(b) — annually, changes or additions to the data provided pursuant to paragraph 4 not covered by point (a)</p>	
<p>7. — Member States shall ensure that registered entities that no longer qualify as entities referred to in Article 3(1) are able to notify that fact to the authority responsible for the relevant national register in which they are registered and ask to be removed from that register. When an entity referred to in Article 3(1) is required, pursuant to paragraphs 2 or 3, to register in a national register other than the one in which it is registered, it shall notify that fact to the authority responsible for the relevant national register and ask to be removed from that register.</p>	
<p>That authority shall process the request within 5 working days and remove the registered entity from the national register if it considers that the entity no longer qualifies as an entity referred to in Article 3(1) or, as the case may be, should no longer be registered in the register for which it</p>	

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<p>is responsible. The decision of the authority responsible for the relevant national register shall be subject to administrative and judicial redress in the Member State of registration.</p>	
<p>8. — Member States shall ensure that registration, updates, requests to be removed from the register and requests pursuant to Article 12(3) can be made by electronic means and are free of charge.</p>	
<p>9. — Where necessary to ensure that the information provided for the purposes of registration continues to allow the authorities responsible for the national registers to correctly and precisely identify the third countries on whose behalf interest representation is being carried out and how much is being spent on those activities, the Commission is empowered to adopt delegated acts in accordance with Article 23 to amend Annex I by modifying the list of information to be provided for the purpose of registration in the light of developments in the market for interest representation services, opinions, recommendations and reports issued by the advisory group established pursuant to Article 19, or, where available, relevant international and European standards and practices. Personal data fields set out in Annex I shall be modified only where necessary to ensure a proper identification of the entities and the interest representation activities referred to in Article 3(1).</p>	

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<p style="text-align: center;"><i>Article 11</i> <i>Registration procedure</i></p> <p>1. Member States shall ensure that the authority or authorities responsible for the national register ensures that for each registration submitted pursuant to Article 10(4), all the elements set out in Annex I have been provided and do not contain manifest errors. A corresponding entry shall be included by the authority responsible in the its national register within 5 no later than 15 working days from the submission of the registration which is complete and without manifest errors unless a request pursuant to paragraph 2 has been made. Where a submission needs to be completed or corrected, that time period shall be suspended until the entity completes or corrects its submission.</p>	<p>CZ (Drafting suggestions):</p> <p><i>Czechia understands the need to set up uniform processes for registration, changes in registers and deletion from registers and supports the setting of a specific deadline instead of requiring immediate change. Similarly, Czechia considers it appropriate that all processes where there is no doubt or are not subject to an application under Article 12(3) should be carried out automatically through the exchange of a standardised data string without human intervention. I.e. that national registry systems communicate directly through API, with or without IMI. This standard procedure should be clearly enshrined in the article. The officials of the registering institutions should deal with matters of a substantive nature and should not be overburdened by the communication itself.</i></p>
<p>2. Where the information provided for the purposes of registration is incomplete or contains manifest errors, the authority responsible for the national register shall ask the entity to complete or rectify its submission. Within 5 working days of receiving a response from the entity in question, the authority responsible for the national register shall either include a corresponding entry in its national register, or refuse to make such an entry and inform the entity in question why the submission remains incomplete or contains manifestly incorrect information.</p>	

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<p>3. Once an entry is included Upon registration in the national register, the registered entity shall immediately and at the latest within 5 working days receive a confirmation of registration from the authority responsible for the national register and shall be issued with a unique EIRN, and a digital copy of the information included in the national register. The EIRN shall be in the format set out in Annex II. <u>Registered entities shall not be required to register in any other Member State for activities falling within the scope of Article 3(1).</u></p>	<p>BE (Drafting suggestions): Strong preference to keep the ‘main establishment’ criterium (instead of the ‘main activity’ criterium) with a view to the unique registration, to provide for administrative clarity and to reduce the administrative burden and costs to a minimum.</p>
<p>4. Member States shall ensure that, <u>at the latest within 5 working days from the entry into the national register,</u> each new registration is <u>immediately notified by the authority responsible for the national register of the Member State of registration</u> to the national authority or authorities responsible for the national register designated pursuant to Article 15(1) of the other Member States <u>in which the interest representation activity will be carried out which are</u> indicated in the registration, pursuant to Annex I, point 2(e) immediately and at the latest within 5 working days from the entry in the national register. Such Notifications shall also be sent take place where, pursuant to Article 10(6), a registered entity submits a change or an addition to the information referred to in Annex I, point 2(e). These notifications shall contain all the elements specified in Annex I, the name of the registered entity, its the EIRN of the concerned entity and a link to the national registers where the registration took place. The notification shall include information on whether the entity has requested a derogation pursuant to Article 12(3) in the Member State receiving the notification.</p>	<p>LV (Drafting suggestions): The Directive does not clarify how Member States in which interest representation will be carried out but is not registered directly could request additional information, if this is provided for in the laws and regulations of the particular Member State. The compromise text of the Directive provides that Member States may provide for broader requirements for the amount of information to be registered, however, it is not clear how this Member State could receive this information if interest representation were registered in another Member State. Thus, in Latvia's view, it is called upon to clarify in the Directive how such information requests should be made.</p>

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	<p>In our opinion, an acceptable solution would be to determine that, for example, an entity registered in Latvia must register the amount of information on interest representation that is provided for in national regulatory enactments. In turn, the exchange of information on registered entities between Member States should only take place to the extent specified in Annex I. Such a solution would ensure that the amount of information provided for in national regulation is registered for entities registered in Latvia and at the same time would not raise questions about how to receive additional information from entities registered in another Member State's register.</p> <p>We propose the following wording for the third sentence of Article 11(4):</p> <p>These notifications shall contain all <u>only</u> the elements specified in Annex I, the name of the registered entity, its the EIRN of the concerned entity and a link to the national registers where the registration took place.</p>
<p><u>4a. Member States shall ensure that changes or additions submitted to the information referred to in Annex I are notified, within 5 working days from the update of the corresponding entry in their national register, to the other Member States in which the interest representation activities will be carried out.</u></p>	

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<p>5. Member States shall provide that <u>the authority or</u> authorities responsible for maintaining the national register registers in the Member State receiving the notification referred to in paragraph 4 include in the relevant register, <u>at the latest within 5 working days from the receipt of the notification, a corresponding entry with</u> the information laid down in that notification. <u>In the case of a notification referred to in paragraph 4a, those authorities shall update in the relevant register, at the latest within 5 working days from the receipt of the notification, the corresponding entry with the information laid down in that notification.</u> immediately and at the latest within 5 working days. Information on the registered entity shall not be made public if, in the relevant national register of the Member State of registration, that information is the object of a derogation from publication in accordance with Article 12(3). <u>Where, pursuant to Article 10(6), a registered entity updates the information referred to in Annex I, point 2(e), removing a Member State where it no longer carries out interest representation activities, the authorities of that Member State shall, upon notification from the Member State of registration, remove the corresponding entry from their national register.</u></p>	<p>FI (Drafting suggestions): See the comment from 6a. Hence, the last sentence should be deleted: <u>Where, pursuant to Article 10(6), a registered entity updates the information referred to in Annex I, point 2(e), removing a Member State where it no longer carries out interest representation activities, the authorities of that Member State shall, upon notification from the Member State of registration, remove the corresponding entry from their national register.</u></p>
<p>6. Registered entities shall not be subject to any further registration requirements in any other Member State for activities falling within the scope of Article 3(1).</p>	
<p>6a. Member States shall ensure that national rules provide for a procedure to allow registered entities that no longer qualify as entities referred to in Article 3(1) <u>or are no longer established in that Member State, to be removed from their national register, including upon request by the registered entity. Registered entities shall make such requests to the authorities responsible for the national register of the Member State of registration.</u> The authority or authorities</p>	<p>FI (Drafting suggestions): What removing from the register means? The concept of removing from register is not clear. We would want a clarification that it will be still possible to have a procedure, where the information will be held</p>

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<p><u>responsible for the national register of the Member State of registration shall notify the authorities of the other Member States in which the interest representation activities are carried out when such procedure is initiated of such requests and subsequently, of the decision taken. If the Member State of registration decides to remove an entity from their national register pursuant to this paragraph, the other Member States shall, upon notification of such decision, remove the corresponding entry from their national register or registers.</u></p>	<p>published in the register for x amount of time (in our national transparency register it is 10 years) after the removing decision. We see that the removing situation should be more of an in-active label, which would leave the information in the register for a certain amount of time.</p> <p>For example, a legislation process may last much longer than the interest representation activity itself. If the idea is to reveal, that a third country entity has tried to affect the legislation process, the information should be available also after the entity has quit the activity. If not, it could create a potential loophole situation, where the interest representation activity could be timed so that when the actual decision is made and the public debate related to that decision is on, the information about interest representation activity is already gone. We understand that the directive is basically just on list of active entities that are carrying interest representation activities on behalf of third countries, but the directive also leaves the MS's possibility to ask for additional information. This information may include detailed information about the activity itself, which could help the public to assess the decisions afterwards.</p>

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	<p>Related to what has been said above, if that kind of procedure is not possible and MS have to delate/hide the information, we see it then very problematic that when “the Member State of registration decides to remove an entity from their national register pursuant to this paragraph, the other Member States shall, upon notification of such decision, remove the corresponding entry from their national register or registers”.</p> <p>Basically, the decision the Member State of registration would override the decisions or legislation “the other Member States” have done. This seems to be somewhat in conflict with the articles 4(1) and 15(3), that give MSs (a) possibility for additional measures and (b) jurisdiction over the entities that are carrying out interest representation at their territory.</p> <p>The article text of removing from register should be simplified and the procedure itself should be left to each MS own decisions. There should also be no interlink between the Member State of registration decision and decisions other “the other Member States” makes:</p> <p>6a. Member States shall ensure that national rules provide for a procedure to allow registered entities that no longer qualify as</p>

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	<p>entities referred to in Article 3(1) or <u>are no longer established in that Member State</u>, to be removed from their national register, <u>including upon request by the registered entity</u>. Registered entities shall make such requests to the authorities responsible for the national register of the Member State of registration. The authority or authorities responsible for the national register of the Member State of registration shall notify the authorities of the other Member States in which the interest representation activities are carried out when such procedure is initiated of such requests and subsequently, of the decision taken. If the Member State of registration decides to remove an entity from their national register pursuant to this paragraph, the other Member States shall, upon notification of such decision, remove the corresponding entry from their national register or registers.</p>
<p>6b. Member States shall ensure that registration, updates, requests to be removed from the register and requests pursuant to Article 12(3) can be made by electronic means.</p>	
<p>7. Member States shall ensure that national rules provide for judicial redress possibilities against actions or omissions Aets taken by the authority or authorities responsible for the national register registers pursuant to this Article paragraphs 1 to 5, including refusals to make an entry in the register or to issue an EIRN, shall be subject to administrative</p>	<p>BG (Drafting suggestions):</p>

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<p>and judicial redress. This shall also apply to failures to act in accordance with these paragraphs.</p>	<p>The use of the term “omissions” is broad and potentially ambiguous, as it may refer to any failure to act by the responsible entities, without specifying the nature, scope, or impact of such inaction. This generality could lead to legal uncertainty, as entities or individuals may not clearly understand what types of omissions are subject to judicial redress.</p>
<p>8. — Where a supervisory authority has reliable information that an entity failed to register pursuant to paragraphs 1 to 3 of Article 10 in a register for which it has jurisdiction pursuant to Article 15(3), it may ask that entity to provide the information strictly necessary to establish whether the entity falls within the scope of Article 3(1).</p>	
<p>9. — Where a supervisory authority has reliable information of possible non-compliance by an entity registered in a register for which it has jurisdiction pursuant to Article 15(3) with the obligations provided for in the national provisions adopted pursuant to Article 10, such as providing inaccurate information in the registration, it may ask that entity to provide the information referred to in Article 7 to the extent necessary to investigate the possible non-compliance.</p>	
<p>10. — The request referred to in paragraphs 8 and 9 shall include the following information:</p> <p>(a) — a statement of the reasons for investigating the possible non-compliance;</p>	
<p>(b) — the information sought and why it is necessary to investigate the possible non-compliance;</p>	
<p>(c) — information on the judicial review procedures available.</p>	

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11. — The entity to whom the request is made shall provide, within 10 working days, the information requested pursuant to paragraphs 8 and 9 in a complete and accurate manner.	
12. — The requests referred to in paragraphs 8 and 9 shall be subject to judicial review procedures in the Member State of the supervisory authority which makes the request.	

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<p style="text-align: center;"><i>Article 12</i> <i>Public access</i></p> <p>1. Member States shall ensure that, for each registration submitted pursuant to Article 10(4) or notification received pursuant to Article 11(4) and (4a), make the following information is made contained in the national register related to a registered entity publicly available in their national register:</p> <p>(a) all information provided by the registered entity in accordance with Annex I, with the exception of point 1, point (g) and, in case of a natural person, also point 1, points (b), (c), (a), (e), (f)(i), (f)(ii) and f(iii) (h), (i), (j) and (k) and point 2, points (a)(i), and points (b) to (h);</p>	<p>CZ (Drafting suggestions):</p> <p><i>Czechia is flexible to the proposed amendment.</i></p> <p>LT (Drafting suggestions):</p> <p>To ensure transparency of interest representation activities, we propose not to delete the provisions of Annex I, points 1(k) and 2(a)(iii) „<i>a description of the entity's main goals, remit and fields of interest</i>“ and to ensure that this information is provided in accordance with Article 12(1)(a).</p> <p>FI (Drafting suggestions):</p> <p>We support the proposals Sweden suggests, as we have quite similar national principles for administrative openness.</p> <p>SE (Drafting suggestions):</p> <p style="text-align: center;"><i>Article 12</i> <i>Public access</i></p> <p>1. Member States shall ensure that, for each registration submitted pursuant to Article 10(4) or notification received pursuant to Article 11(4) and (4a), make the following</p>
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	<p>information is made contained in the national register related to a registered entity publicly available in their national register:</p> <p>(a) all information provided by the registered entity in accordance with Annex I, with the exception of point 1, point (g) and, in case of a natural person, also point 1, points (b), (c), (a), (e), (f)(i), (f)(ii) and f(iii) (h), (i), (j) and (k) and point 2, points (a)(i), and points (b) to (h);</p> <p>(b) the date of registration;</p> <p>(c) the date of the last update of the information referred to in point (a) of this paragraph. The publication of the annual amount provided by the registered entity in accordance with Annex I, point 2, points (c) shall be published according to the grid set out in Annex III.</p>
(b) the EIRN issued pursuant to Article 11(3);	
(c) the date of registration;	
(d) the date of the last update of the information referred to in point (a) of this paragraph.	
The publication of the annual amount provided by the registered entity in accordance with Annex I, point 2, points (c) shall be published according to the grid set out in Annex III.	
2. Member States shall ensure that the information referred to in paragraph 1 is presented in a format which is easily accessible and	SE (Drafting suggestions):

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<p>machine readable, clearly visible and user-friendly, including through the use of plain language. The information shall be made available in a searchable manner in at least one official language of the Member State of registration and in an official language of the Union that is broadly understood by the largest possible number of citizens in the Union.</p>	<p>1. Member States shall ensure that the information referred to in paragraph 1 is presented in a format which is easily accessible and machine readable, clearly visible and user-friendly, including through the use of plain language. The information shall be made available in a searchable manner in at least one official language of the Member State of registration and in an official language of the Union that is broadly understood by the largest possible number of citizens in the Union.</p>
<p>3. Member States shall ensure that entities referred to in Article 3(1) are able to request apply for a derogation from the publication referred to in paragraph 1 of this Article by duly reasoned request justified on grounds of a legitimate interest. The supervisory authority shall take a decision limiting partially or fully public access where the requesting entity demonstrates, taking into account the circumstances of the individual case, that to do so is justified on grounds of a legitimate interest, including a serious risk that the publication would expose an individual to a violation of their fundamental rights, in particular as protected under Article 1, Article 2, Article 3, Article 4 or Article 6 of the Charter of Fundamental Rights of the European Union. Otherwise, the supervisory authority shall take a decision rejecting the request.</p>	<p>CZ (Drafting suggestions): <i>In addition to the latest amendments, Czechia further suggests to reconsider reintroducing to Section 3 the deleted text, which specifies in more detail what can be the basis for a legitimate interest to justify a request for non-disclosure of information.</i></p> <p>FI (Drafting suggestions): See our comment to recital 47.</p> <p>SE (Drafting suggestions): 1. Member States shall ensure that entities referred to in Article</p>

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	<p>3(1) are able to request apply for a derogation from the publication referred to in paragraph 1 of this Article by duly reasoned request justified on grounds of a legitimate interest. The supervisory authority shall take a decision limiting partially or fully public access where the requesting entity demonstrates, taking into account the circumstances of the individual case, that to do so is justified on grounds of a legitimate interest, including a serious risk that the publication would expose an individual to a violation of their fundamental rights, in particular as protected under Article 1, Article 2, Article 3, Article 4 or Article 6 of the Charter of Fundamental Rights of the European Union. Otherwise, the supervisory authority shall take a decision rejecting the request.</p>
<p>3a. Decisions taken following a request made under paragraph 3 shall be notified to the authority or authorities responsible for the national register of the other Member States in which the interest representation activity will be carried out.</p>	<p>SE (Drafting suggestions): Decisions taken following a request made under paragraph 3 shall be notified to the authority or authorities responsible for the national register of the other Member States in which the interest representation activity will be carried out.</p>
<p>4. Any Decisions taken following a request made under pursuant to paragraph 3 shall be subject to judicial redress in the Member State in which the derogation has been requested of registration. Member States shall ensure that any review procedures, including judicial redress,</p>	<p>BG (Drafting suggestions): This provision should be aligned with the latest changes in recital 47.</p>

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<p>are carried out within a reasonable period of time and that a final decision is taken promptly.</p>	<p>SE (Drafting suggestions):</p> <ol style="list-style-type: none"> 1. Any Decisions taken following a request made under pursuant to paragraph 3 shall be subject to judicial redress in the Member State in which the derogation has been requested of registration. Member States shall ensure that any review procedures, including judicial redress, are carried out within a reasonable period of time and that a final decision is taken promptly.
<p>5. Member States shall ensure that, from the moment the request pursuant to paragraph 3 is made until the decision has become final, the information to which the request relates is not made public.</p>	<p>SE (Drafting suggestions):</p> <ol style="list-style-type: none"> 1. Member States shall ensure that, from the moment the request pursuant to paragraph 3 is made until the decision has become final, the information to which the request relates is <u>not made public derogated/withheld from the publication referred to in paragraph 1.</u> <p>SE interprets paragraph 5 and the phrase ‘is not made public’ as to refer only to the publication mentioned in paragraph 1. Accordingly, SE considers that paragraph 5 should not be understood as preventing the disclosure of information before the decision has become final to a person who has requested access to it in accordance with national legislation on the right of access to public documents. If the intention is to restrict such disclosure as well, SE cannot accept paragraph 5.</p>

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	<p>SE therefore proposes clarifying paragraph 5 and recital 47 to make this clear. This could be achieved by replacing ‘is not made public’ at the end of paragraph 5 with ‘is withheld from the publication referred to in paragraph 1’. In recital 47, SE suggests replacing ‘restriction of the publication’ in the first sentence with ‘restriction of the publication in the national register’ and ‘should not be made public until a final decision is taken’ in the third sentence with ‘should not be made publicly available in the national register until a final decision is taken’. Furthermore, SE suggests adding the following sentence at the end of the recital: ‘This is without prejudice to the right for Member States to handle requests for access to public documents in accordance with their national law.’</p> <p>Please refer to the attached file for the proposed clarifications in their context in article 12 and recital 47.</p>
<p>6. Member States shall ensure that where a decision referred to in paragraph 3 has become final, the entry in the national register to which that decision relates indicates, as the case may be, that public access has been partially or fully limited.</p>	<p>SE (Drafting suggestions):</p> <ol style="list-style-type: none">1. Member States shall ensure that where a decision referred to in paragraph 3 has become final, the entry in the national register to which that decision relates indicates, as the case may

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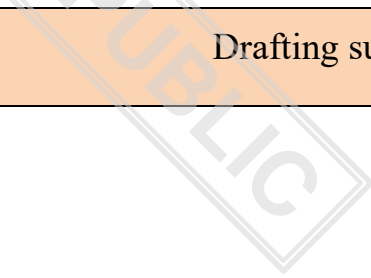
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	<p>be, that public access has been partially or fully limited.</p>
<p style="text-align: center;"><i>Article 13</i></p> <p style="text-align: center;"><i>Publication of aggregated data</i></p> <p>1. Starting on 30 June ...31 March [year after the transposition deadline of this Directive], and by 30 June 31 March of each subsequent year, the Commission each Member State shall publish, and transmit to the Commission, a report on interest representation on behalf of third countries carried out in the Union containing based on the information provided by the entities registered in their national registers. This report shall contain only:</p> <p>(a) — aggregated data on the annual amounts per third country in the preceding calendar financial year. That aggregated data should be based on the information provided pursuant to Annex I, point 2, points (b) and (c);</p>	
<p>(b) — aggregated data on the annual amounts per category of organisation for each third country in the preceding financial year. That aggregated data should be based on the information provided pursuant to Annex I, point 1, point (h) and point 2, point (b) and (c);</p>	
<p>(c) — total number of third country entities that can be attributed to a specific third country. That aggregated data should be based on the information provided pursuant to Annex I, point 2, point (b);</p>	
<p>(d) — a list of the third countries that fulfil the criteria set out in Article 16(3), point (b)(ii).</p>	

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<p>2. Starting on 31 March ...[year after the transposition deadline of this Directive], and by 31 March of each subsequent year, each Member State shall transmit to the Commission the information referred to in Annex I that is provided by the registered entities in their national registers for the preceding calendar year. On the basis of the data transmitted by the Member States pursuant to paragraph 1, the Commission shall, by 31 May of each year, publish a summary of the data received and list the third countries that fulfil the criteria laid down in Article 16(3), point (b)(i).</p>	
<p>3. Where necessary to ensure that the information provided in the reports published by Member States continues to provide the public with aggregate data necessary to understand the scope, scale and means of interest activities carried out by entities falling within the scope of Article 3(1), and to ensure that the list of third countries that fulfil the criteria laid down in Article 16(3), point (b), can be established, the Commission is empowered to adopt delegated acts in accordance with Article 23 to amend paragraph 1 by modifying the list of information to be included in the reports published by Member States in the light of developments in the market for interest representation services, opinions, recommendations, and reports issued by the advisory group established pursuant to Article 19, or, where available, relevant international standards and practices.</p>	
<p style="text-align: center;"><i>Article 14</i> <i>Information for public officials</i></p> <p>1. Member States shall ensure that registered Registered entities shall provide the EIRN in their contacts with public officials when carrying out the activities referred to in Article 3(1).</p>	
<p>2. Member States shall ensure that where registered entities make use of subcontractors, the subcontractors provide the EIRN of the</p>	

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<p>registered entity in their contacts with public officials when carrying out the activities referred to in Article 3(1).</p>	
<p style="text-align: center;">CHAPTER III – SUPERVISION AND ENFORCEMENT <i>Article 15</i> <i>Supervisory Competent national authorities</i></p> <p>1. Each Member State shall designate one or more supervisory authorities responsible for the supervision of the compliance with and enforcement of the obligations laid down in this Directive.: (a) one or more authorities responsible for the national registers; (b) one or more supervisory authorities.</p>	
<p>2. Each supervisory authority shall have access to the national register or registers under its responsibility within its Member State for the purpose of supervising the compliance with and enforcing the obligations set out in this Directive as well as exchanging information with the supervisory authorities in other Member States and the Commission, where authorised to do so under this Directive.</p>	
<p>3. Each supervisory authority shall have jurisdiction over the entities referred to in Article 3(1) that are carrying out interest representation activity targeted at the public officials of its Member State. When the interest representation activity is targeted at required to register pursuant to Article 10(1), (2) and (3) in the national registers under its responsibility. Union officials, the supervisory authority of the Member State in which the seat of the relevant Union institution, body, office, or agency is located shall have jurisdiction. When it cannot be determined which public officials are targeted by the interest representation activity, the supervisory authority of the Member State in whose register the entities referred to in Article 3(1)</p>	<p>FR (Drafting suggestions): Cette compétence est, par définition, limitée, puisqu'elle ne recouvre pas la compétence d'exiger de l'autorité concernée de s'enregistrer, et de procéder à cet enregistrement. Seule l'autorité du pays d'établissement aurait pleine compétence. Or, le non-respect des obligations déclaratives par les représentants d'intérêts a plusieurs conséquences en termes de</p>

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<p>are required to register pursuant to Article 10(1) - (3) shall have jurisdiction.</p>	<p>compétences et de mesures qu'une autorité de contrôle peut adopter. Décorrélér le lieu d'enregistrement et d'activité donnerait donc, par nature, une compétence moindre aux autorités de supervision des pays dans lesquels l'activité est menée, mais où l'entité n'a pas son lieu d'établissement principal.</p> <p>MT (Drafting suggestions): This Article gives each Member State jurisdiction over third-country interest representation activities that are targeted at EU institutions and agencies located in that Member State. Nevertheless, EU institutions and agencies are not required to collaborate with national supervisory authorities in applying and enforcing the Directive, nor are they obliged to provide information regarding lobbying attempts by third countries directed at themselves. In the absence of such a requirement, the Directive could be rendered ineffective in so far as EU institutions are concerned.</p>
<p>4. Where an entity referred to in Article 3(1) has not designated a legal representative in accordance with Article 8(1), any supervisory authority in a Member State where the entity carries out an interest representation activity shall have jurisdiction.</p>	
<p>5. Where a Member State designates more than one supervisory authority, it shall ensure that the tasks of each of those authorities are clearly defined and that they cooperate closely and effectively when</p>	

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<p>performing their tasks. Member States shall identify the supervisory authority to which communications may be addressed for transmission to the appropriate authority within that Member State.</p>	
<p>6. Member States shall ensure that the supervisory authority is independent in the exercise of its functions. In particular, Member States shall ensure that the staff in supervisory authorities acting in the exercise of their powers pursuant to this Directive:</p> <p>(a) are able to perform their duties independently, free from political and other external influence, and neither seek nor take instructions from government or any other public or private entity;</p>	
<p>(b) refrain from taking any action which is incompatible with the performance of their duties and the exercise of their powers under this Directive.</p>	
<p>7. Member States shall ensure that the national authorities designated pursuant to paragraph 1 have all necessary means to carry out the tasks assigned to them under this Directive, including sufficient technical, financial and human resources.</p>	
<p>8. Member States shall ensure that their supervisory authorities carry in carrying out the tasks assigned to them under this Directive, in a way that minimises the risk of the national authorities designated pursuant to paragraph 1 ensure that no adverse consequences, such as stigmatisation for the entities concerned, arise from the mere fact that an entity is a registered entity or has been subject to a request pursuant to Article 16(3). Requests for information by the supervisory authorities shall be proportionate and consistent with and limited to the purpose of monitoring and assessing compliance with this Directive.</p>	<p>BG (Drafting suggestions): We find the notion of “in a way that minimises the risk of stigmatisation” vague and difficult to transpose. The provision should include clear, objective criteria to ensure consistent application.</p> <p>CZ (Drafting suggestions):</p>

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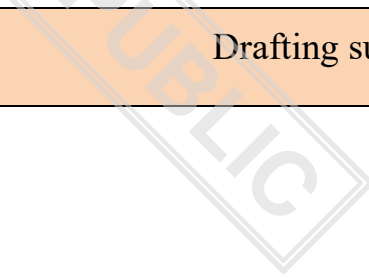
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	<i>Czechia is rather critical of the proposed amendment, as it introduces an additional criterion which may lead to a significantly different interpretation and inconsistent practice across member states.</i>
<p>9. — Member States shall ensure that the national authorities designated pursuant to paragraph 1 make available to the public information and explanation concerning the application of this Directive, as well as the opinions, recommendations or reports adopted by the advisory group pursuant to Article 19(6).</p>	
<p>10. — By [one year after the entry into force], Member States shall notify the Commission and the other Member States of the competent national authorities designated pursuant to paragraph 1. The Commission shall publish a list of the competent national authorities.</p>	
<p style="text-align: center;"><i>Article 16</i> <i>Information requests</i></p> <p>1. — Member States shall ensure that the power of supervisory authorities to request entities referred to in Article 3(1) to provide information is limited by the conditions laid down in paragraphs 2 to 9 of this Article.</p>	
<p>2. — A request pursuant to this Article may only be made by the supervisory authority with jurisdiction over the entity in question.</p>	
<p>3. — Except in cases referred to in Article 11(8) and (9), a request can only be made in the following cases and must be limited to the records kept in accordance with Article 7:</p> <p>(a) — the registered entity received an annual amount that exceeds EUR 1 000 000 for a single third country entity in the preceding financial year;</p>	

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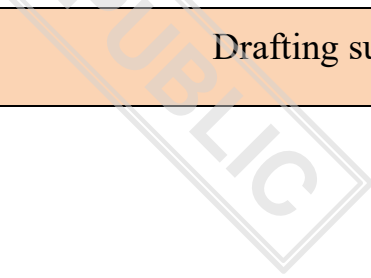
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<p>(b) — the actions of the third country entity on whose behalf the registered entity is acting are attributable to a third country that has spent, in one of the five preceding financial years, and taking into account all third country entities whose actions can be attributed to this third country, an aggregate annual amount that exceeds either of the following:</p> <p>(i) — EUR 8 500 000 on interest representation activities in the Union;</p> <p>(ii) — EUR 1 500 000 on interest representation activities in a single Member State;</p> <p>unless the registered entity falls within the scope of Article 3(1), point (a), and received an aggregate annual amount for all activities falling within the scope of this Directive that is inferior to EUR 25 000 in the preceding financial year.</p>	
<p>4. — The request referred to in paragraph 3 shall contain the following elements:</p> <p>(a) — a statement indicating which one of the conditions set out in paragraph 3 is fulfilled;</p>	
<p>(b) — the records requested;</p>	
<p>(c) — information on the judicial review procedures available.</p>	
<p>5. — Where a supervisory authority other than the supervisory authority of the Member State of registration considers that any of the conditions set out in paragraph 3 are met, it may ask the supervisory authority of the Member State of registration to request records kept in accordance with Article 7 from the registered entity.</p>	

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<p>6. Upon receipt of a request pursuant to paragraph 5 and if it considers that the conditions laid down in paragraphs 3 are met, the supervisory authority of the Member State of registration shall make a request in accordance with paragraph 3 and transmit the information received to the requesting supervisory authority. If the supervisory authority of the Member State of registration has, within the previous 12 months, made a request in accordance with paragraph 3 covering the same information from the same registered entity, it shall transmit the information to the requesting supervisory authority without having to make a new request.</p> <p>If the supervisory authority of the Member State of registration considers that the conditions laid down in paragraph 3 are not met, it shall provide the requesting supervisory authority with a reply explaining the reasons for not requesting or transmitting the information in question.</p>	
<p>7. The entity to whom the request is made shall provide, within 10 working days, the complete information requested pursuant to point (b) of paragraph 4 in a clear, coherent and intelligible format.</p>	
<p>8. The requests referred to in paragraph 3 shall be subject to judicial review procedures in the Member State of the supervisory authority which makes the request.</p>	
<p>9. Where necessary to ensure that supervisory authorities may request records from entities that are particularly likely to influence the development, formulation or implementation of policy or legislation, or public decision-making processes, in the Union or a Member State, the Commission is empowered to adopt delegated acts in accordance with Article 23 to amend the financial thresholds set out in paragraph 3 in the light of developments in the market for interest representation activities, or of opinions, recommendations or reports issued by the advisory group</p>	

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<p>established pursuant to Article 19, or, where available, developments of the relevant international standards and practices.</p>	
<p style="text-align: center;"><i>Article 17</i> <i>Cross-border cooperation</i></p> <p>1. Member States shall ensure that their supervisory <u>national</u> authorities cooperate and exchange information with the supervisory <u>national</u> authorities of all other Member States as necessary.</p>	
<p>2. Member States shall ensure that where a supervisory authority has reason to suspect that an entity falling within the jurisdiction of a supervisory authority of another Member State does not comply with its obligations under this Directive, it notifies the supervisory authority of that Member State.</p>	<p>FR (Drafting suggestions): Voir commentaires formulés concernant l'article 15§3.</p>
<p>3. A notification pursuant to paragraph 2 shall be duly reasoned and proportionate and at least indicate:</p> <p>(a) the information allowing the identification of the entity;</p>	
<p>(b) a description of the relevant facts, the relevant provisions of this Directive and the reasons why the notifying authority suspects an infringement of this Directive.;</p> <p>The notification may include any other information that the notifying authority considers relevant, including, where appropriate, information gathered on its own initiative.</p>	
<p>3a. Member States shall ensure that where a supervisory authority has <u>reliable</u> information that an entity falling within its jurisdiction but registered in another Member State does not comply with its obligations under this Directive, it notifies the supervisory authority of the Member State of registration and may request information as necessary.</p>	<p>CZ (Drafting suggestions): <i>Czechia expresses its reservation towards the proposed changes. With regard to national institutions, Czechia asks for clarification as to whether</i></p>

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	<p><i>only registering and supervisory institutions or some other institutions are meant. The Czech Republic is flexible in setting a 30-day maximum period for the reply.</i></p> <p>FR (Drafting suggestions): Voir commentaires formulés concernant l'article 15§3.</p>
<p>Member States shall also ensure that when its supervisory authority receives such a request for information, it provides the requested information in their possession without undue delay <u>and no later than one month following the receipt of the notification.</u></p>	<p>LT (Drafting suggestions):</p> <p>Considering provisions of Article 11(4) and (4a), it is questionable whether the specified deadline of 1 month for submitting information is too long in order promptly to ensure transparency of interest representation activity and compliance with the provisions of the Directive. To make it clearer and stricter, we suggest at least replacing the word “and” with the word “but”:</p> <p>“<...> without undue delay, but and no later than one month <...>”.</p>
<p>4. — Member States shall ensure that where a supervisory authority receives a notification pursuant to paragraph 2, it shall, without undue delay and no later than 1 month following receipt of the notification, communicate its assessment of the suspected infringement to the supervisory authority from whom the notification was received and, where appropriate, provide further information on the investigatory or enforcement measures taken, or envisaged, in accordance with Article 11(8) or (9) and Article 22 in order to ensure compliance with this Directive.</p>	

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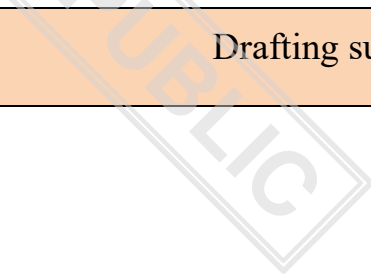
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<p>5. Where the supervisory authority of the main establishment does not have sufficient information to act upon a notification referred to in paragraph 2, it may request additional information from the competent authority that made the notification.</p>	
<p>6. The administrative cooperation and exchanges of information between the national authorities designated pursuant to Article 15(1), as well as the supervisory authorities and the Commission, pursuant to paragraphs 2, 4 and 5, pursuant to this Article and to Article 11(4), <u>Article 11 (4a) Article 11 (5), Article 11(6a), Article 12(3a), Article 22(2aa) Article 16(5) and (6), and Article 18, as well as transmission of information to the Commission pursuant to Article 13(2), of this Directive, shall be carried out implemented through the IMI system established by Regulation (EU) No 1024/2012. <u>Notifications exchanged through the IMI system pursuant to this paragraph shall be accessible to all national authorities referred to in Article 9(2) and Article 15(1).</u></u></p>	<p>BE (Drafting suggestions): <u>Scrutiny reserve:</u> We are open to explore the (potentially common?) architecture, interoperability and interconnectivity of the national registers, in the light of (and taking into account) the discussions in this regard.</p> <p>LT (Drafting suggestions): We propose to supplement this provision by stating that the institutions of the Member States have the right not to provide information that is related to state or official secrets.</p>

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<p style="text-align: center;"><i>Article 18</i></p> <p><i>Cross-border information sharing between supervisory authorities</i></p> <p>1. Member States shall ensure that supervisory authorities are competent to request the following information from the supervisory authorities of another Member State, where such information is necessary for the purpose of exercising cross-border cooperation as referred to in Article 17(2):</p> <p>(a) information provided by a registered entity in accordance with Article 10(4);</p> <p>(b) any analyses carried out by a supervisory authority on the basis of the information referred to in point (a).</p>	
<p>2. Member States shall ensure that upon receipt of a request pursuant to paragraph 1, the supervisory authority of the Member State of registration shall transmit the information to the requesting supervisory authority, unless it considers that the requirements of paragraph 1 are not met, in which case it shall provide the requesting supervisory authority with a reply explaining the reasons for not providing the information in question.</p>	
<p>3. Member States shall ensure that the supervisory authorities provide the Commission, on its request, with aggregate data based on the information provided by registered entities in accordance with Article 10(4) for the purpose of monitoring the implementation of this Directive, including for the preparation of meetings of the advisory group referred to in Article 19. Such aggregate data may contain personal data only to the extent that is necessary to ensure effective monitoring. Where technically possible, the information shall be transmitted in a machine-readable format.</p>	
<p>4. When processing personal data pursuant to paragraphs 1 to 3, the supervisory authorities shall act as controllers within the meaning of</p>	

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<p>Article 4, point 7 of Regulation (EU) 2016/679, and the Commission shall act as a controller within the meaning of Article 3, point 8 of Regulation (EU) 2018/1725 with respect to their own data processing activities.</p>	
<p style="text-align: center;"><i>Article 19</i> <i>Advisory group</i></p> <p>1. An advisory group is established.</p>	
<p>2. The advisory group shall assist the Commission in the following tasks by:</p> <p>(a) facilitating facilitate exchanges and sharing of information and best practices as well as advise on possible guidance on the implementation of this Directive in particular regarding Article 2(4), point (4)(b), Article 3(1) and Article 20;</p>	
<p>(b) facilitating facilitate exchanges and sharing of information and best practices on the specific needs of micro, small and medium-sized enterprises within the meaning of Article 3 of Directive 2013/34/EU and civil society organisations for complying with this Directive;</p>	<p>CZ (Drafting suggestions): <i>Czechia welcomes the changes.</i></p>
<p>(c) — advise on recommended formats for the publication of aggregated data pursuant to Article 13;</p>	
<p>(d) — report to the Commission any divergences in the application of this Directive;</p>	
<p>(e) advising advise on the recommended technical infrastructure of the national registers set up and maintained pursuant to Article 9.</p>	
<p>3. Each Member State shall nominate up to two one representatives and up to two one alternate representatives, who shall represent the supervisory authorities designated pursuant to Article 15 or the competent authorities responsible for national register.</p>	

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4. Representatives of the European Parliament, or of the European Free Trade Association States that are contracting parties to the Agreement on the European Economic Area ¹⁷ or, other relevant stakeholders may, on an ad-hoc basis , be invited to attend meetings of the advisory group as observers.	
5. The Commission shall chair the advisory group and provide its secretariat. The advisory group shall adopt its rules of procedure.	
6. The advisory group shall adopt its opinions, recommendations or reports in the context of its tasks set out in paragraph 2 by a simple majority of its members.	

¹⁷ Agreement on the European Economic Area (OJ L 1, 3.1.1994, p. 3, ELI: http://data.europa.eu/eli/agree_internation/1994/1/oj).

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<p style="text-align: center;"><i>Article 20</i> <i>Prohibition of circumvention</i></p> <p>Member States shall ensure that it is prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the obligations set out in this Directive.</p>	<p>BG (Drafting suggestions):</p> <p>We find the provision overly general and challenging to transpose into national law. It lacks clarity as to what constitutes circumvention and could lead to inconsistent interpretation across Member States.</p>
<p style="text-align: center;"><i>Article 21</i> <i>Reporting of breaches and protection of reporting persons</i></p> <p>Member States shall take the necessary measures to ensure that Directive (EU) 2019/1937 applies to the reporting of breaches of this Directive and the protection of persons reporting such breaches, <u>under the conditions established therein.</u></p>	<p>CZ (Drafting suggestions):</p> <p><i>Czechia supports this clarification.</i></p>

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<p style="text-align: center;"><i>Article 22</i></p> <p style="text-align: center;"><i>Penalties Sanctions</i></p> <p>1. Member States shall lay down rules on penalties sanctions, limited to administrative fines, for infringements of national provisions adopted to transpose Articles 5, Article 6, Article 7, Article 8, Article 10, Article 11, Article 14, Article 16 and Article 20 by entities referred to in Article 3(1) or where appropriate applicable, their legal representative. Those rules shall comply with paragraphs 2 to 5 5 of this Article. Penalties Sanctions shall be imposed by the supervisory authority with jurisdiction over the entity concerned or by a judicial authority at the request of that supervisory authority.</p>	<p>BG (Drafting suggestions):</p> <p>Bulgaria would prefer to maintain the approach of harmonizing the types of penalties. Such an approach ensures consistency and effectiveness of enforcement framework across the Union. We welcome the flexibility introduced by the formulation “up to 6%” as it allows Member States to determine the amount of penalties in accordance with national circumstances and proportionality principles. Nevertheless, the proposed maximum level of financial penalty appears excessively high.</p> <p>DE (Drafting suggestions):</p> <p>“Member States shall lay down rules on penalties for infringements of national provisions adopted to transpose Articles 5, 6, 7, 8 (1), 10 (1, 3, 6), Article 11, and 14 and Article 20 by entities referred to in Article 3(1) or where applicable, their legal representative. Those rules shall comply with paragraphs 2 to 5 of this Article.</p>
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	<p>Penalties shall be imposed by the supervisory authority with jurisdiction over the entity concerned or by a judicial authority at the request of that supervisory authority.”</p> <p><u>Justification:</u></p> <p>Para. 1 requires Member States to implement rules on penalties for infringements of national provisions adopted to transpose – inter alia – Article 11. This provision contains obligations for the national authority in charge of the national register, meaning that one national authority (the one competent for imposing financial penalties) would have to sanction another authority (the one in charge of the national register). However, such a sanctions regime is not feasible. Articles 10 para 2, 4 and 5 as well as Article 11 should therefore be deleted from the list of articles in para. 1. Furthermore, Article 8 paras 2 and 3 should be deleted because they do not foresee a concrete and punishable obligation for the respective entity. Furthermore, Article 20 should be deleted from the list in para. 1, too. This regulation addresses the Member States and is too vague regarding its</p>

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	<p>criteria. A possible infringement cannot be sanctioned in the first place. Alternatively, deletion of Article 20 itself would be welcomed.</p>
<p>2. The maximum amount of the financial penalties sanction referred to paragraph 1 that may be imposed shall be, for legal entities undertakings, up to 6 ± % of the annual worldwide turnover of the entity subject to penalties in the preceding financial year or, in the absence of an annual worldwide turnover, for other legal entities, up to 6 ± % of the annual income budget of the entity subject to penalties in accordance with the preceding most recent financial year or, closed whichever is higher, and for natural persons, up to EUR 50 000, whichever is the higher.</p>	<p>CZ (Drafting suggestions): <i>Czechia still considers the maximum limit of penalties to be disproportionately high. Further to its comments on Article 8, the Czech Republic asks for clarification as to regarding what breaches of the Directive the penalties could be imposed on legal representatives of entities.</i></p> <p>DE (Drafting suggestions): "The maximum amount of financial penalties that may be imposed shall be for legal entities, up to 6 % at least 1 % of the annual worldwide</p>

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	<p>turnover of the entity subject to penalties, or, in the absence of an annual worldwide turnover, up to 6 at least 1 % of the annual income of the entity subject to penalties in accordance with the preceeding financial year or, alternatively, up to at least EUR 50 000 which ever is higher."</p> <p><u>Justification:</u></p> <p>Para. 2 should be deleted. Even the EP-IMCO Committee, in its latest draft, has suggested to delete this provision entirely. However, should para. 2 be retained, major changes are necessary:</p> <p>First, a turnover-related financial penalty framework of 6 percent is clearly too high - especially in comparison to the Environmental Criminal Law Directive and the Sanctions Criminal Law Directive, in which 5 percent is provided for intentional serious <u>criminal</u> offences committed by managers and 3 percent for intentional minor criminal offences. This holds also true considering that many of the provisions listed in Article 21 para 1 contain only "formal" duties (e. g. Article 6 – information obligation – or Article 7</p>

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	<p>– obligation for record-keeping). A 6 percent turnover-related penalty would be extremely disproportionate here. Against this backdrop, only 1 percent would be acceptable. As is customary with EU sanctions regulations, minimum maximum amounts should be set ("at least").</p> <p>Second, the sanctions options should be designed as actual (real) alternatives as it is foreseen in the Environmental Criminal Law Directive and the Sanctions Criminal Law Directive. Thus, instead of "which ever is higher", the provision should read: "or, alternatively, up to at least EUR 50 000."</p> <p>FR (Drafting suggestions): Les autorités françaises s'opposent à l'imposition d'un plafond en matière de sanctions financières, qui risquerait d'affaiblir les dispositifs nationaux existants.</p>

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	<p>LV (Drafting suggestions):</p> <p>In the Latvian legal system, there are no penalties for natural persons that are linked to their annual income. Accordingly, it will be difficult to implement a regulation in the Latvian legal system that provides for the linking of penalties to the annual income of a natural person. Latvia supports the regulation that provides for the maximum limit of the fine set for a natural person, as it was provided in the previous versions of the draft directive.</p>
<p><u>2a. Member States may also provide for the application of other remedies or corrective measures such as the temporary suspension or the removal of the entity's entry in their national registers.</u></p>	<p>BE (Drafting suggestions):</p> <p>Do we understand it correctly that this means that merely - and exclusively - administrative remedies/measures on a national level remain possible? Does the recital (59) in this regard suffice according to the Council Legal Service? Are there potential conflicts with art. 22.3. in the sense that merely administrative remedies could arguably be deemed to be insufficiently effective and/or dissuasive?</p> <p>CZ (Drafting suggestions):</p>

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	<p><i>In the case of added Section 2a, Czechia considers it essential to rule out the possibility that a prison sentence, whether suspended or not, could also be a corrective measure. Czechia is flexible to the addition of the mechanism for removing an entity from the register.</i></p> <p>DE (Drafting suggestions):</p> <p><u>Article 2a and 2aa should be deleted.</u></p> <p><u>Justification:</u></p> <p>(See above, recital 59) Other remedies or corrective measures should not be included. After giving this further thought, Germany rejects this new language for constitutional reasons. The consequence of being removed from the register would be that henceforth the entity is no longer allowed to perform interest representation activities. This would be a violation of fundamental rights because it would deprive professional organizations from the right to conduct their business and civil society organizations from their right to freedom of expression. Such rights cannot only be</p>

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	<p>denied only because of lack of transparency, see also the very recent argumentation of the Venice Commission towards the Georgian Foreign Agent Registration Act (AMICUS CURIAE BRIEF, 15th of October 2025, CDL-AD(2025)035, No. 9)</p> <p>LT (Drafting suggestions):</p> <p>We suggest to add the following new 1 sentence: <i><u>„Member States may provide that, before imposing sanctions, supervisory authorities shall give a warning and encourage good faith correction of the infringement.“</u></i></p>
<p><u>2aa. When the Member State of registration removes the entity from its register pursuant to paragraph 2a, it shall, within 5 working days, notify the other Member States which shall delete the corresponding entry from their national registers. When another Member State in which interest representation activity is carried out removes an entity from its register pursuant to paragraph 2a, it shall notify, within 5 working days, the Member State of registration which shall update the entity’s registration in its national register accordingly.</u></p>	<p>DE (Drafting suggestions):</p> <p><u>Article 2a and 2aa should be deleted.</u></p> <p>Justification:</p>

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	<p>(See above, recital 59) Other remedies or corrective measures should not be included. After giving this further thought, Germany rejects this new language for constitutional reasons. The consequence of being removed from the register would be that henceforce the entity is no longer allowed to perform interest representation activities. This would be a violation of fundamental rights because it would deprive professional organizations from the right to conduct their business and civil society organizations from their right to freedom of expression. Such rights cannot only be denied only because of lack of transparency, see also the very recent argumentation of the Venice Commission towards the Georgian Foreign Agent Registration Act (AMICUS CURIAE BRIEF, 15th of October 2025, CDL-AD(2025)035, No. 9)</p> <p>MT (Drafting suggestions):</p>

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	<p>On Article 22 (Penalties and Sanctions), we take note of the CLS' clarification that deregistration in the Member State of establishment will result in the cessation of the entity's activities across the entire Union. Additionally, it is noted that the ban of activities carried out in a Member State other than the one of establishment would lead to the entity being barred from conducting activities solely within that specific Member State. Of course, we still need to see how this will work through the IMI System. In particular, it still needs to be established on the basis of which an entity can or cannot be deregistered since deregistration from the Member State of establishment would automatically lead to the entity being barred from conducting its activities elsewhere.</p> <p>NL (Drafting suggestions):</p> <p>Specifically regarding amendments to Article 22 concerning deregistration:</p> <p>The Netherlands has comments/questions about these amendments:</p>

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	<ul style="list-style-type: none">- Doesn't this entail a risk of potential stigmatization of civil society organizations, as the country of primary establishment can determine that an organization be deregistered?- This can have political and operational implications – are these considered and how do we weigh them?- Deregistration can also raise questions about the process, consideration, and legal certainty of organizations that register in their primary establishment or in other Member States, respectively. How does this process work? <p>In conclusion: The Netherlands would like to receive more information about the effects of deregistration.</p> <p>FI (Drafting suggestions): See the comments from article 11(6a). Hence we suggest that 2aa is changed (with red): <u>2aa. When the Member State of registration removes the entity from its register pursuant to paragraph 2a, it shall, within 5 working</u></p>

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	<p><u>days, notify the other Member States which shall delete the corresponding entry from their national registers. When another Member State in which interest representation activity is carried out removes an entity from its register pursuant to paragraph 2a, it shall notify, within 5 working days, the Member State of registration which shall update the entity's registration in its national register accordingly.</u></p> <p>SE (Drafting suggestions): SE has no objection to Member States being given the possibility to apply other remedies and corrective measures. However, SE opposes granting other Member States the power to make decisions determining which entities are permitted to carry out interest representation activities in Sweden. The proposed paragraphs could be interpreted to give such an effect to a decision the Member State of registration to remove an entity's entry as a corrective measure. Therefore, SE cannot accept the proposed text but is open to suggestions for a redraft.</p>
<p>3. The <u>penalties and other remedies or corrective measures</u> sanctions shall in each individual case be effective, proportionate and dissuasive, having regard, in particular, to the nature, recurrence and duration of the infringement to which those measures relate, as well as,</p>	<p>DE (Drafting suggestions):</p>

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<p>where relevant, the economic, technical and operational capacity of the entity referred to in Article 3(1) that committed the infringement.</p>	<p>“The penalties sanctions shall in each individual case be effective, proportionate and dissuasive, having regard, in particular, to the nature, recurrence and duration of the infringement to which those measures relate, as well as, where relevant, the economic, technical and operational capacity of the entity referred to in Article 3(1) that is held responsible for the infringement”</p> <p><u>Justification:</u></p> <p>The use of “entity that committed the infringement” in para. 3 is not precise as the entity itself cannot act on its own but is represented by its organs. It should therefore read: “entity that is held responsible for the infringement.”</p>
<p>4. — Before imposing sanctions, the supervisory authority shall issue a warning or a reprimand to the entity concerned to the effect that it is likely to infringe or has infringed provisions of this Directive, except if such infringement amounts to a violation of Article 20.</p>	

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<p align="center">Presidency compromise text</p>	<p align="center">Drafting suggestions and N/A</p>
<p>5. Member States shall ensure that the exercise by the supervisory authority of its powers pursuant to this Article shall be subject to appropriate safeguards in accordance with Union and Member State legislation, including the right to an effective judicial remedy and to a fair trial.</p>	
<p align="center">CHAPTER IV – FINAL PROVISIONS <i>Article 23</i> <i>Exercise of the delegation</i></p> <p>1. — The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>	
<p>2. — The power to adopt delegated acts referred to in Article 10(9), Article 13(3) and Article 16(9) shall be conferred on the Commission for an indeterminate period from [the date of entry into force of the Directive].</p>	
<p>3. — The delegation of power referred to in Article 10(9), Article 13(3) and Article 16(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	
<p>4. — Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</p>	
<p>5. — As soon as it adopts a delegated act, the Commission shall notify that act simultaneously to the European Parliament and to the Council.</p>	

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<p>6. — A delegated act adopted pursuant to Article 10(9), Article 13(3) and Article 16(9) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>	
<p style="text-align: center;"><i>Article 24</i> <i>Amendment to Directive (EU) 2019/1937</i></p> <p>Directive (EU) 2019/1937 is amended as follows:</p> <p>1. in Article 2(1), point (a) the following new point (xi) is added: ‘(xi) internal market rules related to transparency of interest representation carried out on behalf of third countries and good governance;’;</p>	<p>CZ (Drafting suggestions): <i>Czechia welcomes the clarification.</i></p>
<p>2. in the Annex, in Part I, the following new point (K) is added: ‘K. Point (a)(xi) of Article 2(1) — internal market rules related to transparency of interest representation carried out on behalf of third countries and good governance: Directive (EU) XXXX/XXXX of the European Parliament and of the Council of XXXX 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 (OJ, L, ..., ..., ELI: ... reference).’.</p>	

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<p style="text-align: center;"><i>Article 25</i> <i>Reports and review</i></p> <p>1. At the latest by ...[12-18 months after the transposition deadline of this Directive], the Commission shall present a report on the implementation of this Directive to the European Parliament, the Council and the European Economic and Social Committee.</p>	
<p>2. At the latest by ...<i>[4 years after the transposition deadline of this Directive]</i>, the Commission shall carry out an evaluation of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. That evaluation shall assess the effectiveness and proportionality of the Directive. It shall assess among others the need for changes to the scope and the effectiveness of the safeguards provided in the Directive, and the related administrative burden. It may, where appropriate, be accompanied by relevant legislative proposals.</p>	
<p>3. Upon request, Member States shall provide the Commission with the information necessary for the preparation of the reports referred to in paragraphs 1 and 2.</p>	<p>CZ (Drafting suggestions): <i>Czechia reiterates its previous comments to this article, when the Commission should obtain the necessary information by itself from the publicly available data.</i></p>

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<p style="text-align: center;"><i>Article 26</i> <i>Transposition</i></p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...[thirty six eighteen months after the date of the entry into force of this Directive] at the latest. They shall immediately forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p>	
<p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>	
<p>3. In the case of those Member States which have not adopted the euro, the amount in national currency equivalent to the amounts set out in this Directive shall be that obtained by applying the exchange rate published in the <i>Official Journal of the European Union</i> as at the date of the entry into force of any Directive setting those amounts. For the purposes of conversion into the national currencies of those Member States which have not adopted the euro, the amounts in euro specified in this Directive may be increased or decreased by not more than 5 % in order to produce round sum amounts in the national currencies.</p>	

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(b) the address of the place of establishment ;	
(c) phone number;	
(d) e-mail address;	
(e) where available, website relating to the entity's business;	
(f) if it is established outside the Union, the following information regarding its designated legal representative: (i) name; (ii) address; (iii) phone number; (iv) e-mail address; (v) as relevant, the registration number of the legal representative in a business register or a comparable identifying code;	
(g) if the entity is a legal person, the surname, first name and e-mail address of the person legally responsible for the entity and, where different, the surname, first name and e-mail address of the natural person designated as operational contact;	

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<p>(h) the category that most closely resembles the organisational setup of the entity:</p> <ul style="list-style-type: none"> (i) academic institutions; (ii) companies and groups; (iii) law firms; (iv) non-governmental organisations, platforms and networks; (v) professional consultancies; (vi) self-employed individuals; (vii) think tanks and research institutions; (viii) trade and business associations; (ix) trade unions and professional associations; (x) other organisations, public or mixed entities; 	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg);">PUBLIC</p>
<p>(i) if the entity is registered in another national transparency register, its registration numbers;</p>	
<p>(j) the registration number of the entity in a business register or a comparable identifying code;</p>	
<p>(k) a description of the entity's main goals, remit and fields of interest;</p>	<p>LT (Drafting suggestions): To ensure transparency of interest representation activities and considering, inter alia, the reference to Annex I in Article 11(4a), we</p>

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	propose not to delete this provision.
(1) whether the entity falls within the scope of Article 16(3), point (a).	
<p>2. Regarding the interest representation activity carried out:</p> <p>(aa) the third <u>country or countries</u> on whose behalf the entity is acting;</p> <p>(a) the following information on each of the third country entities referred to in Article 2 point (4)(b) on whose behalf the entity carries out the interest representation activity is carried out;</p> <p>(i) name;</p> <p>(ii) the address at which the third country entity carries on business or, for natural persons, the address at which they ordinarily reside;</p> <p>(iii) a description of the entity's main goals, remit and field of interest;</p> <p>(iv) where available, the registration number of the third country entity in a business register or a comparable identifying code;</p>	<p>LT</p> <p>(Drafting suggestions):</p> <p>To ensure transparency of interest representation activities and considering, inter alia, the reference to Annex I in Article 11(4a), we propose not to delete the provision of point 2(a)(iii) „<i>a description of the entity's main goals, remit and fields of interest</i>“.</p>
(b) the third country on whose behalf the third country entity is acting;	

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<p>(c) the annual amounts covering all interest representation activities per third country entity represented <u>for the preceding calendar year</u>, excluding where applicable, the annual amounts paid to subcontractors. the tasks carried out with the objective of influencing the development, formulation or implementation of the same proposal, policy or initiative indicated pursuant to point (g), according to the grid below, for a full year of operations referring to the most recent financial year closed, as of the date of registration or the date of the annual update of the registration details;</p>	<p align="center">PUBLIC</p>																										
<table border="1"> <thead> <tr> <th data-bbox="353 855 1126 895"> <p>Bracket size of annual amounts, in euros:</p> </th> <th data-bbox="1126 855 1160 895"></th> </tr> </thead> <tbody> <tr> <td data-bbox="353 895 1126 935">< 10 000</td> <td data-bbox="1126 895 1160 935"></td> </tr> <tr> <td data-bbox="353 935 1126 975">10 000 to < 25 000</td> <td data-bbox="1126 935 1160 975"></td> </tr> <tr> <td data-bbox="353 975 1126 1015">25 000 to < 50 000</td> <td data-bbox="1126 975 1160 1015"></td> </tr> <tr> <td data-bbox="353 1015 1126 1054">50 000 to < 100 000</td> <td data-bbox="1126 1015 1160 1054"></td> </tr> <tr> <td data-bbox="353 1054 1126 1094">100 000 to < 200 000</td> <td data-bbox="1126 1054 1160 1094"></td> </tr> <tr> <td data-bbox="353 1094 1126 1134">200 000 to < 300 000</td> <td data-bbox="1126 1094 1160 1134"></td> </tr> <tr> <td data-bbox="353 1134 1126 1174">300 000 to < 400 000</td> <td data-bbox="1126 1134 1160 1174"></td> </tr> <tr> <td data-bbox="353 1174 1126 1214">400 000 to < 500 000</td> <td data-bbox="1126 1174 1160 1214"></td> </tr> <tr> <td data-bbox="353 1214 1126 1254">500 000 to < 600 000</td> <td data-bbox="1126 1214 1160 1254"></td> </tr> <tr> <td data-bbox="353 1254 1126 1294">600 000 to < 700 000</td> <td data-bbox="1126 1254 1160 1294"></td> </tr> <tr> <td data-bbox="353 1294 1126 1334">700 000 to < 800 000</td> <td data-bbox="1126 1294 1160 1334"></td> </tr> <tr> <td data-bbox="353 1334 1126 1374">800 000 to < 900 000</td> <td data-bbox="1126 1334 1160 1374"></td> </tr> </tbody> </table>	<p>Bracket size of annual amounts, in euros:</p>		< 10 000		10 000 to < 25 000		25 000 to < 50 000		50 000 to < 100 000		100 000 to < 200 000		200 000 to < 300 000		300 000 to < 400 000		400 000 to < 500 000		500 000 to < 600 000		600 000 to < 700 000		700 000 to < 800 000		800 000 to < 900 000		
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(d) a description of the interest representation activity and its estimated duration;	
(e) the Member States, other than the Member State of registration , in which the interest representation activity is will be carried out;	

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(f) where applicable, the names of: (i) subcontractors; or main contractor; (ii) the media service providers and online platforms where advertisements are placed as part of the interest representation activity;	
(g) where applicable, the legislative proposals, policies or initiatives targeted by the interest representation activity;	
(h) Member States may provide that entities registering in their national register submit information on the public officials contacted.	

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<p style="text-align: center;">ANNEX II</p> <p>Format of the European Interest Representation Number</p> <p>1. The European Interest Representation Number (EIRN) shall consist of the following four components, which must appear in the following order:</p> <ul style="list-style-type: none">(b) the abbreviation ‘EIRN’;(c) the country code for the country in which the entity is registered:<ul style="list-style-type: none">(i) for Member States the codes in the Inter-institutional style guide¹⁸ are used;(ii) for EEA EFTA States ISO 3166 alpha-2 is used;(c) where relevant, the abbreviation for the national register under in which the entity is registered, which:<ul style="list-style-type: none">(i) must have at least one character, and at most three characters;(ii) may contain digits or letters;	<p style="text-align: center; opacity: 0.5;">PUBLIC</p>

18 <http://publications.europa.eu/code/en/en-370100.html>

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<p>(d) an ordinal number, which must be unique in the sense that there must not be more than one registration in the same register with the same ordinal number and the maximum length of the ordinal number is 10 characters.</p>	
<p>2. All components shall be separated by a colon (‘:’).</p>	

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3. Except for those mentioned in point 2, an EIRN shall not contain any interspacing or punctuation marks, neither within the constituent components, nor between them.	
4. Letters in all of the components must be Latin alphanumerical characters only.	
5. Letters in the components shall be written in capitals letters.	
6. An EIRN must not be extended with any other components.	

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<p style="text-align: center;">ANNEX III</p> <p>Bracket size for the publication of the annual amounts provided by the registered entity</p> <table border="1"><thead><tr><th>Bracket size of annual amounts generated per interest representation activity, in euros:</th></tr></thead><tbody><tr><td>< 10 000</td></tr><tr><td>10 000 < 25 000</td></tr><tr><td>25 000 < 50 000</td></tr><tr><td>50 000 to < 100 000</td></tr><tr><td>100 000 to < 250 000</td></tr><tr><td>250 000 to < 500 000</td></tr><tr><td>500 000 to < 750 000</td></tr><tr><td>750 000 to < 1 000 000</td></tr><tr><td>1 000 000 to < 1 250 000</td></tr><tr><td>1 250 000 to < 1 500 000</td></tr><tr><td>1 500 000 to < 2 000 000</td></tr><tr><td>2 000 000 to < 2 500 000</td></tr><tr><td>2 500 000 to < 3 000 000</td></tr><tr><td>3 000 000 to < 3 500 000</td></tr><tr><td>3 500 000 to < 4 000 000</td></tr><tr><td>4 000 000 to < 4 500 000</td></tr><tr><td>4 500 000 to < 5 000 000</td></tr><tr><td>≥ 5 000 000</td></tr></tbody></table>	Bracket size of annual amounts generated per interest representation activity, in euros:	< 10 000	10 000 < 25 000	25 000 < 50 000	50 000 to < 100 000	100 000 to < 250 000	250 000 to < 500 000	500 000 to < 750 000	750 000 to < 1 000 000	1 000 000 to < 1 250 000	1 250 000 to < 1 500 000	1 500 000 to < 2 000 000	2 000 000 to < 2 500 000	2 500 000 to < 3 000 000	3 000 000 to < 3 500 000	3 500 000 to < 4 000 000	4 000 000 to < 4 500 000	4 500 000 to < 5 000 000	≥ 5 000 000	<p style="text-align: center;">PUBLIC</p>
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