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NOTE

From:	General Secretariat of the Council
To:	Working Party on General Affairs
N° Cion doc.:	IM 14784 2023 INIT
Subject:	Proposal for a Directive on Transparency of Interest Representation on behalf of Third Countries - Consolidation of comments on the Presidency discussion paper

Following to the invitation by the Presidency for contributions at the GAG meeting on 6 February, delegations will find in Annex the consolidation of written comments on the Presidency discussion paper.

Proposal for a Directive on Transparency of Interest Representation on behalf of Third Countries

Deadline: *12 February 2025*

From: TEMPLA~1, BE, BG, CZ, EE, IE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PT, SI, SK, FI, SE

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Guidelines to be followed

Please kindly provide your contributions in the table below.

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!

Questions	Replies and N/A
1. Which provisions do you consider require minimum harmonisation (i.e. more flexibility for Member States)?	BE (Replies): For the Belgian authorities, the following elements could be subject to a minimum harmonisation : Competent and supervisory authorities and registration procedures, transparency and registration obligations and the (distribution of the) associated administrative burdens and costs. Of course the principles of proportionality and of subsidiarity should be respected, among others regarding the administrative charges and costs. Also the competitiveness should be safeguarded as much as possible. The Belgian authorities are of the opinion that the bar of the minimum harmonization should not be put to high ab initio.

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Questions	Replies and N/A
	For instance, if the administrative charges and costs are low in a disposal with a minimum level of harmonization, it would be OK for BE. This would indeed allow other MS to go further. If those charges and costs are already high in a disposal with a minimum level of harmonisation, there would be a problem for Belgium. BG (Replies): We prefer minimum harmonisation with regard to the provisions in the Directive, other than those mentioned in the answer to question 2. CZ (Replies): The Czechia supports minimum harmonisation (i.e. higher flexibility) mainly for the following provisions: - Article 2: in the case of definitions – especially by shifting the definition of lobbying in order to define it as an activity with the condition of direct contact with a public official. - Article 4: the Czechia requires a minimum level of harmonisation.

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Questions	Replies and N/A
	- Article 9-12: the Czechia supports a wide degree of flexibility in the case of Article 9-12, as it does not support the establishment of a national register for the purpose of registering lobbyists representing the interests of third countries. If a national register is necessary, the Czechia advocates that the establishment of the register should be as least burdensome as possible, advocates the possibility to align the register as much as possible with the national regulation and advocates a systematic approach to avoid as much as possible the administrative burden involved. - Article 15: the Czechia calls for a maximum degree of flexibility in the institutional autonomy of the competent national authorities, including the possibility to soften the requirement for authorities to be only impartial in their decision-making, not necessarily fully independent. EE (Replies): Estonia prefers minimal harmonization throughout the directive. We see that the measures introduced by the directive are not in accordance with the purpose of the directive and, at the same time, full harmonization of such measures would bring along significant administrative burden and

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Questions	Replies and N/A
	costs. Estonia does not have such register, which means that we would need to create the whole register from the beginning. Considering the significant administrative burden and costs that will come along with this obligation, it is important that the measures of the directive would create an actual impact concerning the transparency of harmful interest representation activities. It is also necessary to find a balance between directive's objectives and accompanying administrative burden in the directive. One possible solution to striking this balance could be to carry out a new impact analysis, which might provide some new directions to the directive. If the general minimal harmonization is not considered, then member states should at least remain able to choose a registration and supervisory solution (chapters II ja III of the proposal) suitable for their environment to keep the administrative burden and costs reasonable. Secondly, it is equally important that member states retain the right to use the most appropriate system and type of sanctions in their own legal system (article 22). IE

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Questions	Replies and N/A
	(Replies): Article 9: National registers, Article 16 Information requests, Article 22 sanctions Ireland wish to maintain a degree flexibility on the implementation of these articles in order to ensure that the introduction of Third Country Interest Representation Register does not adversely impact the functioning of and reputation of our current lobbying register. EL (Replies): Regarding the level of harmonization, we believe that full harmonization could negatively affect the existing national registers, which, in some cases, apply or have the possibility to apply stricter standards. EL supports the option to establish minimum standards, as a general principle on the proposed Directive. In particular, but not exclusively, we support the provision of minimum standards regarding the sanctions, the definitions, and the entities that have the obligation to register in the registry as well as the relevant procedure. ES (Replies):

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Questions	Replies and N/A
	- Information to be filed (Art. 7.1) - Information to be declared (Art. 10.4) - Registration procedures (deadlines for resolution in Art. 10.7 or 11.1 currently much shorter than those provided for in our legislation). It is considered necessary a greater flexibility in the registration procedures (as well as for corrections, updates, modifications or cancellations/deletions of registrations), so that they differ as little as possible from the existing ones. - Research procedure, Article 11(8) to (11). - Public access / information to be published (art.12.1) - Requests for information art.16: it is considered necessary to have more flexibility in the capacity / assumptions to request information to the entities; also in the term of 16.7 for the response of the entity. - Sanctions (art.22): specifically in the type of sanctions, since article 22.1 establishes that they can only be administrative fines. Spanish legislation does not foresee fines, but only suspensions or cancellations of registration, with the consequent prohibition to carry out activities of influence. FR (Replies):

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Questions	Replies and N/A
	Les autorités françaises estiment qu'une disposition d'harmonisation maximale limiterait la capacité des Etats membres à mettre en place des exigences de transparence renforcées et risquerait de niveler par le bas les dispositifs nationaux de lutte contre les ingérences et de renforcement de la transparence. A cet égard, elle conduirait à un résultat contraire à l'objectif affiché initialement par la Présidente de la Commission, c'est pourquoi les autorités françaises sont favorables à ce que la directive soit dans son ensemble d'harmonisation minimale, bien que des exceptions puissent être envisagées là où cela est jugé pertinent et constructif au regard de l'objectif du texte. S'agissant des dispositions devant faire l'objet d'une harmonisation minimale, nous identifions, de manière non exhaustive : - L'article 15 – Autorités nationales compétentes : Il serait souhaitable que les Etats membres disposant déjà de registres de représentation d'intérêt puissent s'appuyer sur leur modèle existant. - L'article 16 – Demandes d'informations : les seuils à partir desquels il est possible de demander des informations aux entités

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Questions	Replies and N/A
	soumises à l'obligation de déclaration sont relativement élevés et ne portent donc que sur un nombre relativement limité d'activités d'influence. En pratique, l'impact d'une activité d'influence n'est pas proportionné au montant dépensé, une activité peu coûteuse pouvant avoir un impact élevé en matière d'influence. Par ailleurs, certaines activités d'influence peuvent être conduites sans contrepartie financière, réduisant d'autant la pertinence de recourir à la définition de seuils financiers. A cet égard, il est préférable d'appliquer une harmonisation minimale sur cette mesure, voire de supprimer la notion de seuil, afin de permettre la mise en œuvre des prérogatives de demande d'informations de l'autorité de supervision à toute entité entrant définie à l'article 3(1) (champ d'application). - Article 22 – Sanctions : Le régime français actuel inclut des sanctions pénales dans le cadre d'infractions aux obligations d'enregistrement ou de déclarations des représentants d'intérêts, nous souhaiterions préserver cette possibilité qui conditionne l'efficacité du dispositif. HR

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	(Replies): The Republic of Croatia supports a lower level of alignment than the previous proposal, as well as greater flexibility for Member States, mainly for legal and technical reasons. We believe that there should not be parallel, yet differing legal rules for interest representation based on whether it is conducted from third countries or not. This is especially important since last year, when we established the national lobbyists' register, and creating parallel systems would impose additional administrative burdens. We consider that provisions requiring a minimum level of harmonization, or those needing greater flexibility, concern the competent and supervisory bodies, as well as procedural provisions for managing the register (in Croatia, these are provisions of administrative law), along with sanctions, particularly regarding the types of sanctions that apply. It is important to emphasize that, besides administrative sanctions, Croatia's Lobbying Act also stipulates misdemeanor sanctions. In this context, the same applies to provisions on the regulation of interest representation activities and those related to legal representatives, which, in our view, also require flexibility. IT (Replies):

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Questions	Replies and N/A
	<i>Italy maintains a strong preference for a horizontal minimum harmonization, in order to allow for maximum flexibility.</i> CY (Replies): The proposed Directive should not, in any case, affect negatively the existing national legislation of those MS, which may apply stricter provisions, as is the case of Cyprus, either as to the requirements for registration in the national registry or as to the sanctions provided (criminal or administrative). LV (Replies): Latvia believes that all articles referring to the development and maintenance of the register require minimum harmonization because minimum level of harmonization could better promote effective regulation. In our opinion, more flexibility would be required in the minimum harmonization requirements for provisions such as sanctions, registration procedures, accounting, public access to the register, as well as other related articles.

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Questions	Replies and N/A
	In general, Latvia points out that a minimum level of harmonization is necessary because there are several Member States where national regulations can provide for or already provide for stricter requirements, including stricter transparency requirements, which would essentially also enhance the achievement of the objective of the Directive proposal, promote and strengthen democratic processes in the country. LT (Replies): We believe that Member States should retain the possibility to maintain national legal regulation and have the flexibility to decide whether or not to include mandatory registration of lobbying activities: – interest representation activities in policy or public decision-making areas other than legislation (e.g. public opinion-forming, education, science), – activities carried out free of charge (for indirect public or private benefit), – not only public (open) actions, but also private (closed) meetings and communication,

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	– interest representation activities carried out by non-governmental organisations, religious communities and associations, trade unions, science and education, the media or opinion-forming public opinion. While ensuring the transparency of activities, Member States must also be able to maintain national legal regulation on the obligation for providers of interest representation services to provide and make publicly available, within a specified short period of time, information on a specific case of lobbying activities to be registered in that Member State, including the determination of the scope of the information to be provided in such a case (possibly broader and more specific than that required for registration of the commencement of activities). Therefore, reporting (declarations) on specific activities carried out in concrete Member State, as well as publicising and storing the information contained therein, could fall within the competence of Member States. The minimum level of harmonisation should therefore be established by amending Article 4 “Level of harmonisation” (as well as Article 1 “Object and purpose” as needed), while leaving Member States considerable flexibility as regards the provisions of:

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Questions	Replies and N/A
	Article 2 “Definitions” (paragraph (1) (concept of “interest representation activity”), except lobbying activities in legislation, as stated in the answer to the second question, and paragraph (2) (concept of “interest representation service”), Article 3 „Scope”, Article 7 “Record keeping”, Article 9 “National registers”, Article 10 “Registration” (paragraphs (6) and (8)), Article 11 “Registration procedure” (paragraphs (6) and (9)), Article 12 “Public access” (paragraphs (1) and (3)), Article 16 “Information requests”, Annex I “Information to be provided pursuant to Article 10”. LU (Replies): Given the internal market dimension of this proposal, Luxembourg continues to see added value in striving for harmonisation; the underlying principle upon which the reinforcement of the internal market hinges. That being said, amendments to articles 4 and 9(1) should be considered

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Questions	Replies and N/A
	in order to ensure compatibility with existing transparency registers at the national level. HU (Replies): In our view, the whole directive should follow a minimum harmonisation approach, by modifying Article 4 (level of harmonization) in line with the majority position. MT (Replies): Malta is of the view that the Directive's overall harmonisation approach should be shifted to a minimum harmonisation regime, to allow each Member State the option of regulating third-country interest representation activities on the same basis as domestic interest representation activities. Malta also believes that the necessary safeguards should be provided in the proposed Directive outlining that Member States can legislate beyond the current proposed terms of the Directive, particularly in those circumstances where this may be necessary to create common standards

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Questions	Replies and N/A
	for domestic and third country interest representation within each Member State. NL (Replies): <i>Looking at the directive as it currently stands, the NL advocates a minimum level of harmonization on most of the provisions of the directive. The Netherlands considers it very important for member states to set up a regime, framework or national lobby registers according to their own context to be as effective as possible. As stated: the NL does not have a transparency register at this time. If the Netherlands were to consider establishing a transparency register, an important part of this would be the involvement of stakeholders in the development of such a register. This requires flexibility and space for member states to make their own decisions, for example about definitions and scope of a transparency register.</i> AT (Replies): AT supports the Proposal of the Commission that seems to be a good compromise. However, we understand that other member states might have implementation difficulties. AT emphasises that the narrower the

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Questions	Replies and N/A
	scope of the proposal will be, the more sensible fully harmonised standards appear to be. If the scope of the proposal is broader, we consider it necessary that MS are allowed to impose stricter rules in some aspects. PT (Replies): We agree with the examples listed in the discussion paper. We believe it would be beneficial for the Member States to have greater flexibility in matters such as registration, the registration process and, of course, the competent national bodies. In any case, and in general, since we don't yet have legislation on the subject, we believe that greater flexibility should be guaranteed for future adaptation. SI (Replies): Provisions related to competent and supervisory authorities, registration procedures, and national reporting mechanisms should allow flexibility. This ensures compatibility with existing national frameworks while accommodating national legal and institutional differences. SK (Replies):

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Questions	Replies and N/A
	Slovakia at this time, is in the process of drafting its own national legislation, therefore we ask for minimal harmonization on all provisions to ensure higher compatibility with existing draft of Slovak national proposal. FI (Replies): We see minimum level harmonization as the best approach. It is also important that Member States continue to be able to maintain separate lobbying register (or registers), which scope, content and procedures are not limited by this Directive. That's why, for example, provision such as "main establishment" clause in article 10.2 and the need to register just in one register as article 9 suggests, are very problematic. As we have highlighted before, it seems not possible to implement the directive via current national registers, which means that there would be significant additional costs of creating, maintaining and supervising a (completely) new register. To have at least some synergy and reduced cost setting up the register, the proposal should leave it possible to use the same information systems (or

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	technological system) already created for the national register. This would mean, that the proposal would not harmonize the register procedures or any other aspects of the technical standards of the new register. Taking into account the above-mentioned factors, the Directive should mainly create common minimum standards and for example not define the register or its procedures as precisely as it now does in chapter 2. Chapter 3 should also leave room for member state to design the supervision and sanction compatibility to national administration culture and rules. SE (Replies): Sweden recognizes that regulation of interest representation can have adverse effects on the free formation of opinion and is of the view that any regulation must be appropriate and proportional. Sweden also recognizes that there are important differences regarding how interest representation is regulated among the member states – if subject to

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	regulation at all – and holds that there must continue to be considerable room for the member states to decide how their respective democracies function. In light of this, Sweden considers all the substantive provisions of the proposal as requiring minimum harmonisation.
2. In the interest of ensuring effectiveness of the rules and smooth cooperation across Member States, which provision do you consider should be subject to a higher level of harmonisation?	BE (Replies): The Belgian authorities are of the opinion that the following elements could be considered for a higher level of harmonisation (ie less/no flexibility for the MS to go further) : the core elements for registration and national registers, scope of information accessible to public, elements of reporting to the Commission, legal representative, maximum amount of financial sanction. Of course the principles of proportionality and of subsidiarity should be respected, among others regarding the administrative charges and costs. Also the competitiveness should be safeguarded as much as possible. BE is of the opinion that the bar for a further (maximum) harmonization should not be put too high. For instance, regarding core elements of registration and of the national registers and regarding the transparency towards the public : if the

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	directive is already too demanding regarding the administrative charges and the safeguard of the competitiveness, then that maximum harmonization would not be considered as in accordance with the BE position. Ideally the MS should enjoy a certain room of maneuver, for instance regarding the financial sanctions or the transparency towards the public. So the risks of abuse (for instance instrumentalisation, stigmatisation) would be prevented and the MS would still enjoy a sufficient room of maneuver. BG (Replies): We remain open to more increased level of harmonisation on registers, modalities of registration, cross border cooperation and definitions, as well as monitoring and implementation. As regards sanctions, we support the harmonization of the types of the sanctions but not as regards the specific amounts. CZ (Replies):

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	The maximum level of harmonisation should be set only in those articles and provisions where it is necessary, i.e. Articles 3 (scope) and 22 (sanctions). EE (Replies): No proposals. IE (Replies): We support some provisions being subject to a high degree of harmonization, where required to facilitate the effective implementation of the directive EL (Replies): EL is open to consider the proposals from MS and the Commission. We reserve the right to propose relative provisions on a later stage. ES (Replies): As the Presidency points out in its conclusions, further harmonization should be limited only to those provisions where it is indispensable for a

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	proper implementation of the Directive, and cooperation between Member States. It is deemed necessary in: - Definitions and exclusions and scope of application (art.2 and 3). - Regulation of subcontracting (art.6) - Regulation of legal representatives (art.8) - National registers (art.9) - Obligation to register for interest representation activities (or as the Directive says at the latest at the time of commencement), and essential elements of Article 10 regarding registration. - Reporting / relations with the Commission (art.13) - Provisions relating to cooperation between registers (Art. 17 or 18). - Penalties: as indicated above, flexibility is considered necessary to establish the type of penalties. However, a greater harmonization of the maximum amount of fines in Article 22.2, and the provisions of paragraphs 3 to 5, is considered desirable. FR (Replies):

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	Dans certains cas spécifiques et à condition d'ajustements détaillés ci-dessous, il pourrait être pertinent de disposer d'un niveau renforcé d'harmonisation, plus précisément sur les articles suivants : - Article 11 – Procédure d'enregistrement : L'article 11.10 semble limiter les pouvoirs de l'autorité gestionnaire du registre à un pouvoir de demande d'informations complémentaires. L'autorité nationale compétente en France dispose de prérogatives plus larges incluant notamment la possibilité de procéder à des vérifications sur place, dans les locaux professionnels des représentants d'intérêts. Nous suggérons d'ajouter des pouvoirs de contrôle sur pièce et sur place afin de préserver les pouvoirs de contrôle prévus dans le dispositif actuel, à tout le moins de ne pas les exclure. - Article 12 – Accès du public : Un point de vigilance demeure sur la disposition prévue à l'article 12.3, qui entrerait en contradiction avec le dispositif national, dans la mesure où celui-ci ne permet pas de solliciter une dérogation à la publication des données.

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Questions	Replies and N/A
	- Article 17 – Coopération transfrontière : L'application du principe du pays d'origine impose une grande charge administrative aux autorités de contrôle en matière de coopération transfrontière et d'échange d'information, qui pourrait utilement être supprimée si l'enregistrement était obligatoire dans chaque pays où une activité de représentation est conduite. Le principe du pays d'origine semble, en outre, réduire l'efficacité du dispositif de transparence. A titre d'exemple, les autorités compétentes seront plus à même de constater les activités d'une entité lorsqu'elles sont effectuées sur leur territoire ; dès lors il semble opportun que ces activités soient contrôlées par les autorités du pays d'exercice de l'activité. La coopération transfrontalière et l'échange d'information et de bonnes pratiques doivent toutefois être encouragés. HR (Replies): In principle, we are open to a higher level of alignment for provisions related to the core elements of registration, such as the data to be entered and the data made publicly available. Provisions that could require a higher degree of harmonization would also include certain definitions, which should be more precisely defined. IT

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Questions	Replies and N/A
	(Replies): <i>As per the above reply, no provision is envisaged for a higher level of harmonization.</i> CY (Replies): -- LV (Replies): A higher level of harmonization (to ensure the effectiveness of the rules and unhindered cooperation between Member States) can be left in such provisions as are necessary to ensure the effective and full implementation of this Directive - cooperation between Member States and to address problems related to the possible abuse of some of the provisions. In our opinion, a higher level of harmonization is necessary in such provisions as cross-border cooperation, cross-border exchange of information between supervisory authorities, the advisory group, the final provisions of the proposal for a directive and other related article. LT (Replies):

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Questions	Replies and N/A
	We believe that there should be an obligation for all Member States to register (declare) lobbying activities in legislation and access to information on the (declared) person who engages (starts) in such activities registered in any Member State, i.e. defining the term "activity of interest representation" stated in Article 2(1), for example, as follows: ‘interest representation activity’ means an activity conducted with the objective of influencing the development, formulation or implementation adoption of policy or legislation, or public decision-making processes, in the Union, which could shall in particular be performed through include engaging in oral or written communication, including electronic means, in both public and private (closed) discussions concerning the provisions of a draft legal act 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; with state politicians, state officials, civil servants or other persons who, pursuant to their

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	official duties as prescribed by law, participate in the preparation, consideration or adoption of draft legal acts. Further harmonisation is possible as regards the initial registration, the mandatory elements of the national registers and the scope of the information to be made public on the initial registration of such activities, the rules on cross-border cooperation and information sharing, the requirements relating to the appointment of the legal representative and its duties, the maximum amount of the financial penalty, i.e. Article 8 “Legal representative”, Article 10 “Registration” (paragraphs 1 to 4, 7 and 9), Article 11 “Registration procedure” (paragraphs 1 to 5, 7, 8, 10 to 12), Article 17 “Cross-border cooperation”, Article 18 “Cross-border information sharing between supervisory authorities”, Article 22 “Sanctions”. LU (Replies): As per the above, Luxembourg believes that we should strive for the highest possible level of harmonisation, without adversely impacting the running of well-established existing national transparency registers. HU

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	(Replies): For instance, we can support a more ambitious baseline regarding information accessible to the public. This baseline should not increase radically administrative costs or alter the aim of the legislation. Other potential areas requiring greater harmonization could be identified at a later stage, based on concrete practical experiences and addressed within the framework of a revision to be performed according to Article 25. MT (Replies): Malta would be willing to consider a higher harmonisation threshold in specific areas, namely in relation to registers (Article 9) and on cross-border cooperation (Articles 17 & 18). NL (Replies): <i>In general the NL welcomes initiatives to ensure effectiveness and a smooth cooperation, sharing insights, information and best practices on national registers, across Member States. The NL would like to engage in pro-actively exchanging these views. We do not feel that a higher level of harmonization is required at this time to achieve this goal, although a structure to engage in sharing information, practices and ideas is welcomed.</i> AT

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	(Replies): We understand the need for harmonisation in order to facilitate the freedom to provide services and prevent forum shopping. We think that a certain level of harmonisation is important to ensure the effectiveness of the rules and smooth cooperation. This is especially true for definitions, including the ones defining what is considered to be an “interest representation service provided to a third country entity” [eg. Art 3(1)(b)], as well as national registers and registration procedures and the cooperation between MS. PT (Replies): We agree with the examples listed in the discussion paper. Topics such as national registers and registers, cross-border cooperation and information sharing, scope of publicly available information, elements of communication to the commission, legal representative, maximum amount of financial penalties, benefit from a higher level of harmonisation as they are likely to guarantee cooperation between member states. These matters are also likely to ensure uniformity in the Member States. SI (Replies):

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	Key elements such as core registration requirements, cross-border cooperation and information sharing, scope of publicly accessible information, reporting obligations to the Commission, legal representation requirements, and financial sanctions should be harmonized to ensure effectiveness and avoid loopholes. SK (Replies): Minimum harmonization needs to be relevant in the entire material since this topic is highly sensitive and has a potential to create an open door for potential loopholes and circumvention. FI (Replies): There are not many provisions that should be harmonized, as it creates problems to implementation. Still, we think that it should be consider if harmonizations could be used to tackle stigmatization and in some cases to smooth the cooperation across Member States.

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	Stigmatization is still a genuine concern and safeguards to prevent are needed. That is why we think that the scope and main definitions should be more precise and harmonized, to prevent the gold plating of the directive and possible stigmatization of actors that are not influencing behalf of a third country. For example, now the most important exclusions of the scope are mentioned only in recitals (core funding, media, research etc.), which makes it harder to understand the scope through the article itself. It would be important the exclusions and scope in order to prevent stigmatization and gold plating. In general, Finland supports cross-border cooperation between Member States. Finland would be willing to support higher level harmonization in procedures of cross-border cooperation if administrative burden to national authorities remains limited. SE (Replies):

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	Should the directive not be revised by the Commission, the view of Sweden is that it should require minimum harmonisation in its entirety.
3. In light of the minimum harmonisation approach, do you favour working on the basis of the Commission's proposed approach (i.e. interest representation activities carried out on behalf of third countries) or are you open to cover all interest representation activities (i.e. all lobbyists), subject to the appropriate exclusions?	BE (Replies): In Belgium the existing transparency registers concern all activities of interests representation, not only the representation of third countries interests. Consequently, the Belgian authorities' preference would tend towards option 2 (all activities of interests representation). Furthermore this seems the best way to prevent instrumentalisation and stigmatisation. This has been since the beginning of the discussion a point of attention of all the Belgian stakeholders. BG (Replies): We prefer maintaining the scope of the proposed Directive as set out by the European Commission. Expanding the scope of the Directive to cover all lobbying activities should be left to the discretion of the member States, taking into account the need to consider the specificities of national legal and political systems.

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	CZ (Replies): The Czechia remains flexible in relation to the material scope of the proposed Directive. The Czechia generally agrees with the material scope, which only applies to entities carrying out interest representation activities for third countries. However, the Czechia draws attention to the exceptions provided for in the draft Directive, in particular as regards activities related to the exercise of public authority of a third country (including diplomatic or consular relations between States or international organisations) and the provision of legal and other professional advice. The Czechia requests that the exceptions are clear and unambiguous. EE (Replies): Estonia is not in favour of the Commission's version of the directive, because in our point of view, the measures introduced by the directive are not in accordance with the purpose of the directive. There is a need to find more balance between the purpose and measures in the directive.

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	That said, until the clear alternative solutions to the Commission's current approach are proposed, Estonia cannot consider being open to any broader approaches in this proposal. IE (Replies): We are in favour of working on the basis of the Commission's proposed approach. Under the current definition of Interest Representation, it would not be possible to implement the directive beyond interest representation activities carried out on behalf of third countries. Ireland maintains a lobbying register for all lobbying activity with a clear definition of lobbying, this register operates effectively. Widening the scope of the register would result in an increased administrative and financial burden, and may be extremely difficult to implement. This would result in an undermining of our current lobbying legislation and decreased transparency. EL (Replies): EL supports a broad coverage of all interest representation activities and not only those carried out on behalf of third countries

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	ES (Replies): It is considered preferable to work on the Commission's approach (activities on behalf of third countries) to avoid a much greater impact on registries already in existence or in the process of being created. The current legal basis of 114TFEU (internal market) will never cover all interest representation activities, but only those of an economic nature. This means that if further harmonization were required, it would only be mandatory for all interest representation activities of an economic nature, leaving all other interest representation activities outside the scope of this harmonization. While it is true that broadening the scope of application could contribute to “eliminate the risks of stigmatization and avoid possible loopholes and circumvention”, it should be borne in mind that the lobbying registers in the various European Union States have very different regulations, with differences in the subjective scope, public personnel subject to influence activity (some only refer to members of parliamentary assemblies, others to civil servants, others to members of the government....), definitions of influence activity sanctions, types of entities in charge of the registers

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	(independent authorities, offices of parliamentary assemblies, units of Ministries of Interior or Justice...), among other differences. Therefore, extending the scope of application would have a much more disruptive effect on the regulations already existing in the Member States. FR (Replies): Un dispositif européen est nécessaire afin d'encadrer l'influence des pays tiers en Europe, la rendre plus transparente et décourager les interférences qui ont par nature une dimension transnationale. Les autorités françaises soutiennent ainsi la mise en place d'un dispositif de transparence ambitieux afin de lutter contre les ingérences étrangères. C'est cet objectif principal que nous souhaitons poursuivre. HR (Replies): We believe that the regulation of lobbying is very different across Member States, which makes broader harmonization quite challenging. Additionally, an approach that would cover all interest representation activities (i.e., all lobbyists) would go beyond the initial proposal and the established position, raising questions about the intended goals. Therefore,

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	at this stage, we do not see expanding the scope of the Directive Proposal beyond the European Commission's proposal as the optimal solution. IT (Replies): <i>Italy has strong reserves on the possibility to extend the scope of the proposal towards covering entities carrying out any interest representation activity rather than those carrying out interest representation activities solely on behalf of third countries.</i> <i>The current legislative proposal has been framed in a broader political reflection (the "defense of democracy package") and has been based on an impact assessment both specifically designed to setting standards on how to address foreign influence.</i> <i>A thorough revision of the objectives of the text should be assisted by the same conditions (a new political reflection and a new impact assessment).</i> CY (Replies): It is worth examining and assessing the possibility to extent the scope of the Directive beyond third country representation activities,to broadly cover interest representation activities. LV (Replies):

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	Taking into account the minimum harmonization approach, Latvia supports the approach proposed by the Commission - whereby the proposal for a directive would cover interest representation activities carried out on behalf of third countries. LT (Replies): In principle, we do not oppose the approach proposed by the Commission to regulate the interest representation activities of third countries in the Directive. However, we would point out that this may in any event lead to significant changes in the regulation of all interest representation activities in Member States, since, in accordance with the principles of equality of persons and proportionality of the regulation of activities, and taking into account the fact that interests may be related, there will not be a fundamental difference in the legal regulation of national interest representation activities. At the same time, we would point out that, in the event that a narrow and clear scope of lobbying activities to be compulsorily registered – only legislation – is agreed, as well as a narrow and clear circle of those who engage in such activities – lobbyists – it is our preliminary view that the

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	extension of the scope of the Directive to all interest representation activities, i.e. all lobbyists, could also be considered, in order to better ensure transparency and to eliminate the risk of stigmatisation and to avoid possible loopholes and circumvention. However, we ask for a scrutiny reservation to take a position on such a substantial extension of the scope of the Directive. LU (Replies): The scope of the proposed directive must ensure the full respect of the EU's fundamental values (article 2 TEU), as well as the European Convention on Human Rights, and be limited to economic activities. In line with the Commission proposal, it could be limited to activities linked to third country entities. MT (Replies): Malta agrees with the Commission's objective, specifically to carry out interest representation on behalf of third countries. However, Malta can consider expanding the scope of the proposed Directive only if the

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	proposed Directive is reframed in the form of a minimum standard as opposed to full harmonisation. NL (Replies): - <i>This is a fundamental issue of definition, scope and which activities should be covered. That has to be discussed, solved and clarified before putting the discussion in the perspective of the minimum harmonization approach. If the NL were to consider a transparency register, an open, inclusive approach is required to develop a transparency register that is effective looking at goals, definitions and scope. These aspects are part of a national political debate and decision-making procedures. A debate with Parliament on integrity and instruments to improve transparency is foreseen in the first part of March. Although we have worked with the Commission's proposed approach in the negotiations and deliberations, taking into account our previous remarks on the fundamental issues of definition and scope which have to be clarified, and our national political deliberations on enhancing transparency, the NL feels an open approach looking at definitions, scope and activities could be beneficial in moving forward.</i> AT

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	(Replies): AT supports the Commission's proposed approach to cover only interest representation activities carried out on behalf of third countries. The scope of the proposal may not be extended beyond activities of interest representation on behalf of third countries. PT (Replies): Although Portugal does not yet have national legislation on the matter, the regulation of interest representation activities is considered both important and urgent. However, precisely because such legislation is not yet in place, we face challenges in supporting a European legislative initiative that encompasses all activities related to interest representation. Therefore, we believe that any future work on this instrument should be confined to its original scope, addressing only interest representation services provided to third-country entities or activities carried out by such entities, as we believe is the position of the majority of Member States and the Commission. This position is based on the absence of national legislation on the matter, and greater flexibility would be beneficial. Otherwise, any future national regulations in this area, which may seek to address our country's specific circumstances, would be subject to complete harmonisation with this Directive. SI

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	(Replies): While the Commission's approach provides a structured framework, Slovenia remains concerned about the clarity of definitions and potential gaps in coverage. The exclusion of international organizations funded by private capital and large multinational companies is a notable issue. Taking also into account the sole focus of further work on activities of an economic nature, a broader approach covering all interest representation activities, with appropriate exclusions, could prevent circumvention and ensure comprehensive transparency. Such broader approach is our preferred way forward. SK (Replies): In the light of minimum harmonization approach, we favour working on the basis of Commission's proposed approach (covering interest representation activities carried out on behalf of third countries). FI (Replies): In general, Finland supports the directives objective of increasing the transparency of interest representation carried out on behalf of

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	third countries in the EU. We have also been open to broaden the scope to more neutral approach in certain circumstances, but support working on the basis of the Commission's proposed approach. SE (Replies): Due to the concerns raised by Sweden regarding the free formation of opinion, i.a., Sweden agrees with the Commission's proposed approach. Expanding the proposal to include more types of activities would also decrease the room for the member states to autonomously organize their democracies and increase the risk of stigmatization. The view of Sweden is that the directive only should include interest representation activities carried out on behalf of third countries.
4. Other relevant comments	EL (Replies): The preservation of European democracy, especially under the current circumstances, is an urgent need. However, the proposed Directive

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	requires further thorough examination in all aspects. We would like to underline the importance of providing effective safety measures to avoid the possible misuse of its provisions. The sensitivities of the MS need to be addressed, particularly in relation to ensuring the necessary balance between the objectives of the Directive and the protection of fundamental rights, with freedom of expression being paramount. Regarding the definition of interest representation service, EL supports the broadening of the definition by not limiting it to “an activity normally provided for remuneration”. We believe that the objective of the proposed legislation would be better served if the definition of “interest representation service” also includes representation activities provided beyond the strictly economic field. In this way, we will more effectively avoid covert and illegal relations to be presented as legitimate ones. IT (Replies): <i>The previous comments come with no prejudice of Italy's longstanding reserves on the proposal's ability to achieve the objectives regarding the fight of foreign interferences, objectives which stay fully shared.</i> LT

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	(Replies): We do not have a strong opinion on the harmonization of all other articles (not mentioned). This will be considered later as needed in conjunction with the essential articles mentioned. LU (N/A): x NL (Replies): - <i>The NL has taken note of the discussion paper by the Secretariat of the Council with great interest;</i> - <i>The NL still has fundamental concerns and questions looking at the current Directive; although a lot of work has been done, there is still no clarity on the goal, definitions, scope and effectiveness of the proposal; there also remain questions on possible burdens and stigmatization of CSO's;</i> - <i>These concerns and uncertainties need to be resolved moving forward; the current detailed questions do not address that, bypass the fundamental aspects which are previously discussed but – from our perspective- not adequately resolved. These facts hinder the possibility of answering the current questions.</i>

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	- <i>As you are well aware, the NL does not have a transparency register at this time. If the Netherlands were to consider a transparency register, flexibility is needed to make our own decisions, so we can develop a transparency register that will be effective also on national level. This is a political debate and choice that is to be made in the next couple of months within our Cabinet and Parliament. A debate with Parliament on integrity and instruments to improve transparency is foreseen in the first part of March.</i> - <i>We will none the less share our thoughts in reflection on the questions and are open to exchange views moving forward.</i> SI (N/A): X SE (Replies): -