



Council of the European Union
General Secretariat

Brussels, 27 February 2025

WK 2543/2025 INIT

LIMITE

**AG
JAI
FREMP
DISINFO
HYBRID**

**MI
DATAPROTECT
AUDIO
CONSUM
TELECOM
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

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
- Presidency discussion paper

Delegations will find, in the Annex to this note, a Presidency discussion paper on the above-mentioned proposal to be used as a basis for the meeting of the Working Party on General Affairs (GAG) on 4 March 2025, identifying key political issues and relevant questions to be addressed.

Proposal for a Directive 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

Presidency discussion paper for the meeting of the General Affairs Group on 4 March 2025.

1. Background

As announced in the note WK 1316/2025, the Presidency will continue the discussions in the Working Party on General Affairs ('GAG') based on the below elements that gathered considerable support:

- (i) Article 114 as the legal basis and consequently preservation of the internal market rationale and coverage of the activities of an economic nature only;
- (ii) Work on the basis of registers at national level possibly based on a common architecture and linked through a portal at the EU level;
- (iii) Overall minimum harmonisation approach to provide the necessary flexibility to respect the specificities of national systems and to allow for stricter national rules, while keeping in mind that some provisions may require a higher degree of harmonisation for an effective implementation of the Directive, smooth cooperation between Member States and addressing the concerns of possible misuse of certain provisions.
- (iv) Clear and operational definitions based on objective criteria, as well as any exclusions.
- (v) Avoid stigmatisation and protect fundamental freedoms with the necessary safeguards.

During the meeting of 6 February 2025, GAG examined the issue of the level of harmonisation and worked on the scope, to understand whether the proposed Directive should cover all interest representation activities or interest representation activities on behalf of third countries. Then, at the meeting of 19 February 2025, GAG analysed what type of activities should be considered as interest representation activities for the purpose of proposed directive and any possible exclusions.

As the next step, the Presidency proposes to discuss **registers and registration procedure (Articles 9-12)**.

The Presidency intends to work on the basis indicated by the Policy debate at the General Affairs Council on 25 June 2024 (Doc. 10805/24), according to which registers should be maintained at **national level**, possibly based on a **common architecture**, and linked through a **portal** at the EU level. While this functionality requires **some level of harmonisation**, there should still be the possibility for Member States to collect additional information, should they deem it necessary.

Moreover, in order to allow for the operability and compatibility across different national registers, the Presidency will work on the basis that the single European registration and the Single European Registration Number (**EIRN**) should be preserved to maintain the rationale of the proposal.

2. Elements for discussion

Based on the exchanges held so far, Member States have shown a cautious approach that prioritises flexibility and **alignment with national laws** over full harmonisation. There is a clear call for **careful consideration of administrative burdens** and the implications for civil society, highlighting the need for a balanced approach in the directive's implementation.

At the GAG meeting of 4 March 2025, the Presidency proposes to examine the following key elements related to **registers and registration procedure** as set out in Articles 9 to 12.

Procedure / modalities:

Delegations have expressed varying opinions on the level of harmonization required for registration procedures. There is a general inclination towards **allowing flexibility while still recognising the need for some degree of standardisation**.

Regarding the **deadlines** included in the proposal, some delegations believe that the proposed deadlines are too short and that more adaptability is necessary to align with national systems.

Data for registration (Annex I):

The Commission proposal indicates that the Member States shall ensure that, for the purpose of registration, an entity should be required to submit only information set out in Annex I. This information, according to Article 18 (1), could then be shared by relevant authorities in the framework of cross-border information sharing.

As part of a **minimum harmonisation** approach, the understanding is that Member States would still be allowed to ask for more information than the minimum required, if entities want to operate in their territory. In this framework, the principle of a **single European registration** would apply.

Public access:

In Article 12(1), the Commission proposes a set of registration **information to be made public across the EU**.

Under the **minimum harmonisation** approach, Member States would still be allowed to publish more data, than the minimum required, should they wish so.

Safeguards:

The Commission proposal sets out numerous safeguards regarding registration and registration procedure. For instance, Article 9 (3) foresees that the national registers should be set up in a way that ensures natural, factual and objective presentation of the information contained therein. Article 12(3) and (4) set out the possibility of derogation from data publication, where the requesting authority demonstrates legitimate interest that publication would expose an individual to a violation of their fundamental rights. This is accompanied by a possibility of judicial redress.

Some delegations stressed the importance of maintaining general freedoms and liberties while **ensuring transparency**. Others highlighted concerns about **administrative fines** and **potential stigmatization** related to registration procedure.

3. Questions for discussion

In light of the above, delegations are invited to address the following questions related to Article 9 (national registers), Article 10 (registration), Article 11 (registration procedure) and Article 12 (public access).

1. *Besides single European registration, which other elements related to procedure/modalities do you consider should be harmonised as a minimum (if any) and which elements should not be harmonised?*
2. *Considering Annex I, which data/information should be included as a minimum in national registers to allow cross border communication and cooperation between authorities? Would you consider that the amount of data required for registration is proportionate, in particular with regards to the administrative burden on entities, especially SMEs and CSOs or other non-profit associations?*
3. *From the registration data that the Commission proposes to render public (Article 12(1)), which data should be made public as a minimum requirement across the EU? Please specify which data should be added or removed from the list.*
4. *Are the safeguards proposed by the Commission sufficient as a shared minimum standard between Member States? If no, could you specify what additional safeguards might be included?*