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General Secretariat

Brussels, 28 March 2025

**Interinstitutional files:
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WK 4030/2025 ADD 2

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NOTE

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

N° prev. doc.: WK 3141 2025
N° Cion doc.: ST 16889/23 + ADD 1

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 18 March, delegations will find in Annex, the comments from the IE delegation on the Presidency discussion paper.

WK 4030/2025 ADD 2

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

Deadline: 25 March 2025

From: IE

Updated: 28/03/2025 08:47

Guidelines to be followed

Please kindly provide your contributions in the table below.

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
<p>1. <u>Identification of the recipient service:</u> <i>Do delegations agree with the Commission proposal and consider it sufficient? Or do delegations prefer an alternative approach to ensure better enforceability? If so, please explain.</i></p>	<p>IE (Replies): In order, to ensure the directive is enforceable, we would welcome more clarification on the aims of it. If the directive aims to capture legitimate interest representation on behalf of third countries, then the Commission's proposal would be sufficient We agree with the Commission's proposal that a declaration that the interest representation service is a third country entity should be made. Whether it is sufficient is debatable, but at least having a statement by the interest representation service allows the Commission to possibly identify whether incorrect statements were made at a later date. The inclusion of a declaration that the interest representation service is a third country entity is also the first point where the body would be directed to the separate third country lobbying register to make a return. (This is the separate lobbying register that</p>

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	<p>would be required in addition to the current Regulation of Lobbying register in Ireland).</p> <p>This is not enforceable on its own but it is unlikely that third- country actors that seek to evade transparency requirements and covertly influence decision-making and democratic processes are going to engage with any register of lobbying. It is a declaration, no more, that would require additional measures to identify whether covert lobbying is taking place and to provide for significant penalties for those found to be cooperating with third country entities e.g. significant criminal prosecutions up to and including imprisonment.</p> <p>We would also welcome clarification from CION on how the how Article 5 and the declaration of third country entities would work in practice.</p>
<p>2. <i>Subcontracting:</i></p>	
<p>i. <i>Do delegations agree to the proposed definition of ‘subcontractor’?</i></p>	
<p>ii. <i>Do delegations consider the approach proposed by the Commissions in respect of subcontractors appropriate (including with regards to the exemption from requirements of Articles 7, 8, 10 and 11) or would delegations prefer that</i></p>	<p>IE (Replies):</p>

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<p><i>the subcontractors register separately in national registers?</i></p>	<p>We are of the opinion that the main body providing interest representation and all sub-contractors should be obliged to register on the new register otherwise it is too easy for the system to be subverted.</p> <p>We would welcome clarification on whether media companies were subcontractors and required to supply registration number of a company taking out an advertisement. We also see the need to address the concerns of human rights groups regarding EIRN.</p>
<p>3. <u>Record-keeping:</u></p>	
<p><i>i. In the context of a minimum harmonisation approach, do delegations consider the information to be kept by entities, as proposed by the Commission, adequate and proportionate?</i></p>	
<p><i>ii. Do delegations consider the proposed obligation on entities to prepare a report annually, covering the specified information, proportionate and appropriate?</i></p>	
<p><i>iii. Do delegations consider the retention periods as proposed in Article 7(2) and (4) appropriate?</i></p>	<p>IE (Replies):</p> <p>We consider the four year period for retention of interest representation activity wholly insufficient. Four years is very little time in the context of how long the influencing of economic or social change in a member state</p>

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	<p>may extend. It does not allow for analysis of patterns that may exist in otherwise apparently unrelated data. It also allows for repeat offences by uncooperative entities with no possibility of linking the offences. We would consider that the retention of information on lobbying activities by any entity, third country or not, should be indefinite. There are no limitations from a technical point of view in terms of storing data. And the extent or focus of third country influence may only become apparent over a 10 year period. Consideration should also be given to archival value of the data on any register of lobbying to future generations.</p>
<p>4. <u>Legal representative:</u> <i>Do delegations have any comments regarding the Commission's proposed approach on legal representative?</i></p>	<p>IE (Replies): We agree with Commission proposal to require entities not established in the EU to designate a legal representative in one of the Member States in which it carries out interest representation activities. This measure would in our opinion enhance accountability. We would welcome legal clarity on whether the legal representative could be held liable for the actions or non-actions of the entities carrying out the interest representation activities.</p>

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	<p>We have specific concerns about CSOs in Northern Ireland. The appointment of a legal representative is applied to providers who do not have an address in the EU. The EP IMCO In-depth Analysis has referred to N Ireland and another MS as two locations where this could be a serious concern. CSOs in N Ireland and Ireland have raised this as a concern on cost grounds and the difficulty finding a representative given the risk to the legally identified agent. All of this could be chilling to cross border dialogue and is therefore of serious concern to Ireland.</p> <p>We note with interest that Sweden has also raised concerns about small and medium sized enterprises and has proposed an exemption for CSOs and SMEs. Certainly further consideration needs to be given to the burdens on these groups. This would be in accordance with the object of Recital 64.</p>
<p>5. <u>Publication of aggregated data</u></p>	
<p><i>i. Do delegations agree with the proposed reporting obligations of the Member States (including with rendering the information public)?</i></p>	
<p><i>ii. Do delegation agree with the amount and the type of information to be included in the annual report?</i></p>	<p>IE (Replies):</p>

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	<p>We agree with the reporting obligations. Either option could work, an annual report by each member state or a centralised amalgamation of the data. From a technical point of view there is no reason for the data not to be downloaded from each member state to the Commission and to be amalgamated by the Commission. This measure would mean that;</p> <ul style="list-style-type: none">(a) Centralised amalgamation of data would obviate the need for an annual report by each state.(b) Centralised amalgamation of information would facilitate detailed analysis of coordinated lobbying activities on behalf of third countries across all EU states and thereby allow for the identification of patterns/ lobbying campaigns that might otherwise be obscured.
<p><i>iii. Do delegations agree with delegation to the Commission the power to adopt delegated acts modifying the list of information to be included in the reports?</i></p>	<p>IE (Replies):</p> <p>We are in broad agreement with delegation to the Commission the power to adopt delegated acts modifying the list of information to be included in the reports. Such power will be necessary to ensure a coordinated approach to dealing with EU wide representation on behalf of third countries, noting that member states have the facility to object or suggest modifications to proposed delegated acts as proposed. It will be important that modifications important that modifications do not enter into force mid-year and adequate</p>

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	<p>notice is given to MS. However, Ireland does not agree to delegated acts as proposed in;</p> <ol style="list-style-type: none">1) Article 10(9) giving CION the power to adopt delegated acts to amend Annex I by modifying the list of information to be provided for the purpose of registration.2) Article 16(9) giving CION the power to adopt delegated acts to amend the relevant thresholds and conditions. <p>These are areas where Ireland believes that the power to make such changes should be reserved for MS.</p>
<p>6. <u>Information for public officials:</u> <i>Do delegations agree with the Commission proposal, including the relevant definitions in Article 2 points (11), (12) and (13)?</i></p>	<p>IE (Replies):</p> <p>We agree with the proposal requiring registered entities, including sub-contractors, to provide a single registration number in their contacts with public officials. Such registration numbers should be searchable in a central database in order to identify all public officials across the EU who have engaged with third country representatives.</p> <p>Given the differing definitions across member states, MS should have the flexibility to define public official.</p>