



**Council of the European Union**  
General Secretariat  
The Secretary-General

Brussels, 24 September 2024  
SGS 24/4089

Ms Emily O'Reilly  
European Ombudsman  
1 avenue du Président Robert Schuman  
CS 30403  
F-67001 Strasbourg Cedex

**Subject:** Decision on how the Secretariat of the EU Transparency Register handled complaints concerning the information provided by two entities on the register (case 532/2023/FA)

Dear Ms O'Reilly,

By letter dated 7 February 2024, you notified the Decision in case 532/2023/FA regarding a complaint against the Secretariat of the Transparency Register. In that Decision, you listed four suggestions for improvement for the Secretariat of the Transparency Register when it carries out investigations into complaints concerning alleged breaches of the Code of conduct. You asked to be informed of any action taken by that Secretariat in relation to the suggestions for improvement.

I am pleased to communicate that the Secretariat of the Transparency Register has accepted the four suggestions and taken concrete actions to ensure the effective implementation of those suggestions.

A detailed note on the concrete actions taken by the Secretariat of the Transparency Register is annexed to this letter.

Yours sincerely,

  
Thérèse BLANCHET

**Note on the concrete actions taken by the Secretariat of the Transparency Register to ensure implementation of the European Ombudsman’s suggestions made in her decision in case 532/2023/FA**

**Regarding the suggestion that the Secretariat “carries out a thorough and meaningful investigation, including seeking additional information from registrants”**

The Secretariat processes complaints with a view to establishing a registrant’s continued eligibility and observance of the code of conduct annexed to the IIA. When handling complaints and investigations according to the procedure laid down in Annex III to the IIA, it does carry out “*thorough and meaningful*” investigations, and actively seeks “*additional information from registrants*” as suggested by the Ombudsman.

Indeed, the Secretariat does the same when processing applications for which doubts regarding eligibility appear. In addition to the consultation of a considerable number of publicly available sources (see remarks below), the Secretariat applies Article 6(8)(a) of the IIA, which provides that a registrant shall present, if requested “*supporting material demonstrating that the information relating to their registration continues to be accurate*”. The evidence thus obtained (articles of association, statutes and other corporate or business documents, correspondence, etc.) is cross-checked against the publicly available information.

The Secretariat has continuously worked towards consolidating its practices when handling complaints since the entry into force of the 2021 IIA. It regularly seeks additional information from registrants or, indeed, complainants. The Secretariat engages in extensive written and in-person exchanges (as set out in points 5.1. and 5.2. of Annex III to the IIA), and requests for supporting evidence and detailed clarifications in order to complete its investigations and seek to ensure that accurate and complete registrations feature on the Transparency Register.

**Regarding the suggestion that the Secretariat “in case of doubt as to the veracity of the information provided, [...] should seek to verify the information from independent and/or publicly available sources”**

The Secretariat checks information against all means available to it, within the limits of the powers conferred to it under the IIA. On this understanding, and in addition to any evidence submitted by the complainant, the Secretariat uses all publicly available information sources. Complaints and monitoring are handled on a case-by-case basis, and each raises different and specific issues. For this reason, the list of sources used by the Secretariat is not exhaustive; depending on the case, the Secretariat looks into any available and relevant source of information that can be used to verify information provided by applicants and registrants, being mindful of the differing degrees of reliability and accuracy of publicly available information.

For that purpose, the Secretariat, where necessary, goes beyond the usual and commonly used search engines for cross-checking information and makes regular use of public official databases listing information on entities. For example, entities headquartered or with offices in Belgium, which constitute a considerable part of the overall population of registrants in the Transparency Register, may be checked against relevant

information in *Le Moniteur Belge*, *Banque Nationale de Belgique* and *Banque-Carrefour des Entreprises*. Similarly, the equivalent national databases are consulted as necessary, bearing in mind that the information available publicly will depend on the applicable national legislation. In addition, some investigations or monitoring presenting a particularly high degree of technical complexity can lead the Secretariat to reach out to other services of the EU Institutions.

**Regarding the suggestion that the Secretariat “clarifies its guidance concerning the concept of ‘affiliates’ in order to ensure that it captures all elements needed to enable public scrutiny of registrants’ activities”**

The Secretariat has accepted this suggestion and carried out an update both of its guidelines for applicants and registrants, and of the registration form available to applicants and registrants on the Transparency Register website.

The Secretariat agrees that the notion of “affiliation” is a complex one and, in an ever-evolving landscape, some further clarity of its guidelines could help applicants and registrants identify better the kind of information that they are expected to provide. Pursuant to points (h) and (i) of Part I of Annex II to the IIA, applicants and registrants are required to provide information concerning: ‘(h) *organisations of which the registrant is a member and entities with which the registrant is affiliated*’; (i) *registrant’s members and/or affiliation with relevant networks and associations*’ (emphasis added).

For that purpose, the Secretariat has revised its guidelines for applicants and registrants as regards the information under Heading 12 ‘Membership and affiliation’ as well as the same heading in the registration form, reflecting better the structure of the relevant above-mentioned provisions of the IIA (points (h) and (i) of Part I of Annex II). By clarifying the concept of ‘affiliation’, the Secretariat expects that applicants and registrants will be able to have a good understanding of the information that is required from them, in particular the the relevant connections between interest representatives and a more accurate capture of the other types of relations that applicants and registrants may have with other natural and legal persons.

The updates will be published on the website of the Transparency Register as soon as all necessary translations are available.

**Regarding the suggestion that “where elements of the complaint do not fall within the remit of the Secretariat’s investigative powers, this should be clearly communicated to the complainant with explanations provided”**

The Secretariat has taken full ownership of the suggestion, which has become an established practice. To this end, when handling complaints the Secretariat communicates clearly the admissibility criteria under Annex III to the IIA, including, where applicable, the admissible and inadmissible parts of the complaint. Moreover, the Secretariat communicates clearly to the registrant(s) concerned and when it has doubts concerning the veracity of the information provided, it engages in a constructive cooperation and provides clear instructions with a view to removing any ambiguities and ultimately to increasing the quality of the information provided on the register.

Moreover, the annual priorities for the Transparency register in 2025<sup>1</sup> include a specific reference to improving communication on complaints handling with the purpose of inviting more meaningful cooperation from registrants and allowing the register to continue to stand up to public scrutiny. This goes beyond the admissibility criteria and spans over the entire complaint investigation cycle and will be incorporated in the process of ongoing codification of the Secretariat's internal handling procedures.

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<sup>1</sup> Adopted by the Management Board at its meeting of 19 April 2024 and available at [https://transparency-register.europa.eu/document/download/1660e33f-f379-4b93-90cd-922e9c00b629\\_en?filename=7a\\_DRAFT%20TR%20MB%20Annual%20priorities%202025.pdf](https://transparency-register.europa.eu/document/download/1660e33f-f379-4b93-90cd-922e9c00b629_en?filename=7a_DRAFT%20TR%20MB%20Annual%20priorities%202025.pdf)