



CEPLIS TELEGRAM

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The European Union is getting closer to a register for lobbies but fails to convince transparency campaigners

The debate on the creation of an EU register has come back to the Community headlines these last weeks. On April 22nd, following the conclusion of a joint working group, the European Parliament and the European Commission have agreed on launching a Joint Voluntary Register. A new transparency “portal page” (http://europa.eu/lobbyists/interest_representative_registers/index_en.html) was also launched on internet. However, transparency campaigners, such as the Alliance for Lobbying Transparency and Ethics Regulation (ALTER – EU), have considered this evolution a “failure” in terms of transparency improvement.

This long-lasting debate on enhancing the transparency of the European Union institutions started two years ago (see *CEPLIS Telegram 08/07*) with a declaration of Mr. Kallas, Vice-President of the European Commission in charge of the administrative affairs. The Register in question, set up by the European Commission, has been accessible since May 2008. However in January 2009, a report has demonstrated that the register had failed to substantially improve transparency (see *CEPLIS Telegram*

06/09). One of the critics voiced by ALTER-EU regarded the lack of coordination between the EU institutions, as well as the nature of the information that the interest groups were asked to fill in.

The European Parliament has also participated in the debate by adopting a report in May 2008 calling for a compulsory joint register for the three main European institutions (Parliament, Commission and the Council). However, Mr. Kallas, has reaffirmed the will of the European Commission of having the register on a voluntary basis: *"I am convinced that a voluntary approach is much better than a mandatory one, because it offers an incentive to join"*.

Another important point that has been debated was the information that lobbies had to provide, especially related to their financial resources. The Joint Working Group has come up with different rules for different kinds of lobbies. For instance, consulting companies are asked to disclose their budget devoted to lobbying activities and the weight of their major clients, whereas NGOs and Think Tanks have to publish their global budget and sources of financing.

Erik Wesselius of Corporate Europe Observatory, a member of ALTER-EU, pointed out that *"the European Parliament Resolution [of May 2008] called for a mandatory register for lobbyists which requires disclosure of names of lobbyists and financial details. Now they have agreed to endorse a voluntary register which only names the minority of lobbyists who hold Parliamentary access passes and which contains very weak and misleading financial disclosure requirements. Instead of finally allowing the public to get a clear picture about who is influencing decision-making in Brussels, Commissioner Kallas and MEPs seem to be settling for the lowest common denominator. The result is a compromise register which creates a false impression of transparency, while most of EU lobbying will continue outside of any public scrutiny."*

It is worth pointing out that the new "portal page" is just a link to the European Parliament's and Commission's own transparency pages. It does not lead to a new register *per se*. The European Council has refused to join the initiative. In fact, as you know, the Council represents national governments; and many of its employees are detached from national positions. This makes the Council's inclusion in an EU register for interest group more difficult. In their joint statement, the European Parliament and Commission have expressed their *"strong regret that the Council, as a co-legislator, has not yet been willing to join negotiations on a common register"*. However, they restated the need and the will to work further on the question over the next parliamentary term and during the Swedish Presidency.



Sim Kallas, Commissioner for administrative affairs, audit and anti-Fraud

Some other questions related to the register also raised the attention of associations such as “Friends of Europe” (<http://www.friendsofeurope.org/>) . The main issue was the inclusion the Think Tanks within the register. This debate took a new twist last week after Mr. Kallas had called upon more Think-Tanks to join, arguing that they play a clear role in the EU policymaking process. As he pointed out: “lobbying means 'all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions.”

The major problem related to this issue is not the disclosure of information but the fact that Think Tanks “*have major reservations about volunteering to classify themselves as lobbyists when they so clearly are not,*” as Gill Merrit, secretary-general of Friends of Europe, pointed out. “*Why will the Commission not consider creating a separate list for us?*”, he wondered.

The statement of the Joint Working Group comes two months before the Commission is due to publish an evaluation of its own register – expected by the end of June 2009. However, the Commission has not yet announced the criteria it will use in assessing the success or failure of the scheme, despite repeated calls for it to do so, as ALTER-EU pointed out.

If you need any other information, please consult ALTER-EU website (<http://www.alter-eu.org>) or ask CEPLIS Secretariat.

The European Parliament adopts three health related reports

The 23rd of April was an important day for health policy within the European Parliament. Indeed, as announced in our last telegram (see *CEPLIS telegram n° 10.09*), the European Parliament has adopted the Bowis report relating to Directive Proposal on patients rights in cross-border healthcare. Furthermore, the European Parliament has adopted on two other important health policy initiatives: Improving Patient Safety and the European Strategy on Rare Diseases. These actions mark an important step forward in providing patients with better opportunities and access to healthcare in Europe. The European Parliament has highlighted in all three votes the need for enhanced cooperation between all EU Member States, in order to pool knowledge and expertise to maximise health benefits for all.

The first report adopted was the one on the Directive Proposal on patients' rights in cross border healthcare. The vote followed two years of reflection and consultation, but also several months of intense discussion within no less than 7 parliamentary committees. Many of the amendments to the Bowis report have provided the Directive proposal with new tools in order to strengthen information provided to patients on the quality and safety of healthcare. As you know, the importance of this adoption was weakened by the abstention of the Socialist (PES) and Green (EGP) political groups (297 in favour, 120 against and 152 abstentions).

The second topic on which the MEPs agreed upon was the proposal of **the European Commission for a Council Regulation on Patient Safety (COM(2008) 837 final/2)**. The latter calls for actions in “*one of the biggest challenges that the EU health systems are facing – unintended harm to patients while receiving healthcare*”. The report drafted by **the Italian MEP Amalia Sartori (PPE)** aims at a reduction of 20 % of the cases for 2020. Nevertheless, this requirement would remain non-binding, unless the Council decides otherwise. The report has been adopted by a very large majority. It is worth noting that the Commission does not agree with the Parliament on EU wide target, but is however in favour of developing common indicators to measure Healthcare Associated Infections (HCAIs) and other causes of patient harm.



MEP John Bowis (EPP-ED, UK), Papporter of the European Parliament on the Directive Proposal on Patient's rights

Last but not least, the report drafted by **MEP Antonios Trakatellis (EPP-ED) on the European action in the Field of Rare Diseases**. The Report on the Communication on rare diseases (COM(2008) 679 final) underlines that action on rare diseases needs to be improved as well as pool expertise and research. The Report stresses the need of a wider international collaboration on the subject, reason for its support to the European Reference Networks on rare disease (for more information on this network, please consult http://ec.europa.eu/health/ph_threats/non_com/rare_8_en.htm) that would improve access to specialist care, pool research to develop more effective treatments and foster cross-border cooperation.

From Strasbourg, **Health Commissioner Androulla Vassiliou, commented these votes:** “*I am indeed very pleased that the European Parliament has seized the*

opportunity to take a major step forward towards building a 'Europe for Patients'. I am convinced that this will lead to greater confidence and knowledge for all citizens about the healthcare they receive. These are initiatives that really bring the European Union closer to its citizens.”

Socialist MEPs receive a CEPLIS delegation

On the 7th of this month, CEPLIS Vice-President Mr. Jacques Reignault accompanied by Mr. Armand Gersanois, Treasurer, Mr. Serge Coimbra, President of the Comité de Liaison des Podologues Européens

(CLPE) and Dr. Theodoros Koutroubas, Director-General went to Strasbourg in order to meet MEPs from the European Socialist Group.

The objective of this meeting was to share the point of view of CEPLIS on several issues and notably on the Small Business Act for Europe (see CEPLIS position in www.ceplis.org). Our delegation has also discussed the possibility to set up a Parliamentary Inter-Group relating to liberal professions. Last but not least, CEPLIS project of an Academy of Liberal Professions has been shared with our friend, MEP Ms. Catherine Trautmann.



From left to right : MEP Catherine Trautmann, Mr. Armand Gersanois, Mr. Jacques Reignault, Dr. Koutroubas & Mr. Coimbra

Vice-President Mr. Reignault has exposed the position of CEPLIS on the SBA. As he explained to Ms. Trautmann many issues tackled by the European Commission in its communication, such as the simplification of administrative constraints, especially for the access of public markets, are welcomed by CEPLIS. However, our delegation has underlined that the specificities of liberal professions were not taken in account within the SBA. “Liberal Professions cannot be regarded as SMEs”, has stressed Mr. Reignault. Ms. Trautmann agreed with our point of view. She has pointed out the liberal professions’ lack of visibility, “no unique parliamentary commissions are directly in charge of this issue”.

The major part of the discussion was dedicated to the possibility of setting a parliamentary intergroup for the liberal professions. As you certainly know, on certain issues – for instance, social economy – MEPs from different political groups create an intergroup in order to work in common above party lines. In order to become official, an intergroup needs to gather MEPs from 5 different political groups. However, the rules relating to such groups are very strict. That is why most of the intergroups are non-official, thus leaving more freedom to their members.

The creation of such group would render the liberal professions – and CEPLIS – more visible. Through this visibility, our concerns could then receive more attention than in the past. Our friends have pointed out that such an evolution could be one feasible and efficient in order to pursue our goals.

Last but not least, CEPLIS delegation has exposed our project of the creation of an Academy of Liberal Profession – which is close to succeeding. Ms. Trautmann has demonstrated an enthusiasm for the project. She has stated that the European Parliament has several times criticized the European Commission on its choice of experts – as you certainly recall, the Austrian Institute that was hired by the European Commission in 2003 in order to make a study on regulated professions had used wrong data's, thus leading to a wrong appreciation of the problem by the European

Commission. The French MEP has stressed that the Academy would bring an important input in the search of a solution to this problem through providing reliable data on the liberal professions, thus simplifying the work of the MEPs.

The European Commission and the European Parliament cannot agree on the Working Time Directive

The European Parliament and the European Council still disagree on the modernisation of the Directive 2003/88/EC on working time. The disagreement in question concerns certain aspects of the organisation of working time, despite the effort made on reconciliation procedure (see also CEPLIS Telegram n° 05/09). Three main points are at the source of the controversy between the two institutions in question:

- the non participation clause – or opt-out – for the United Kingdom
- the call-time
- the multiple contracts

Concerning the first divisive point – the opt out –, the European Parliament held a vote in December and a majority of MEPs expressed their will to abolish it (421 votes in favour, 273 against). This non participation clause grants the right to these countries no to apply the 48 working hours per week limit. They argued that a flexible working time and allowing people more choice render limits on the time they could work were unnecessary.

The Council and the European Parliament also disagreed on the call time, the Council has expressed its will to restrain the call time just to health professionals, however, this regards all professions as, MEP Metchild Rothe (PES) has underlined. Ms. Rothe added that this point of view was for the European Parliament just “*unacceptable*”.

Also, as European elections draw near, for the European Parliament, making concessions on such an issue means more than usual. Indeed, the European Union has been criticized for long time to underestimate the social affairs. The disagreement on the Directive on Working Time confirms those critics..



Spanish Socialist MEP Alejandro Cercas, commented: "*This is very sad. However, a bad agreement would have worsened the situation of workers in general and of doctors in particular. We have left the future open and hope to have a solution with the new Commission and the new Parliament.*"

Since no agreement could be found – after five years of debate – by the two institutions in question, the European Commission will have to come up with a new proposal. As some MEPs hope, the new elected Commission and the new elected Parliament will be able to set an agreement on this very divisive topic.

This is the first time that no agreement could be reached at the Conciliation stage since the Amsterdam Treaty came into force in 1999 (which significantly extended the scope of the co-decision procedure). The UK will therefore keep its opt-out and current legislation will apply.

News from our members

United Kingdom - Council for healthcare regulatory excellence (CHRE)

The Council for Healthcare Regulatory Excellence (correspondent organisation of CEPLIS) has launched the first issue of its newsletter. The latter will be published on its website every quarter. (www.chre.org.uk).

Three topics are discussed in this first issue.

- Regulation - resulting in strengthened public protection?
- Public debate on NMC decision...
- CHRE has its say on European law

France – Fédération Nationale des Médecins Radiologues.

The 7th of May, the « Fédération Nationale des Médecins Radiologues » FNMR has gathered the first 60 000 signatures for its petition “Non au désert médicaux” (No to medical desert). These signatures were handed to the French Ministry for Health and Sport.. The FNMR delegation was composed of Jacques NINEY, Jean-Philippe MASSON, Laurent VERZAUX, and Bruno SILBERMAN.

Conferences and events to come

Patient choice: Pandora's box? How can patients influence safety and quality standards in healthcare?, organised by European Voice

Date: 26th of May 2009. 12.00 – 15.00

Location: Representation of the state of Baden-Württemberg, Rue Belliard 60-62, B-1040 Brussels

Info: <http://www.europeanvoice.com/article/events/patient-choice-pandora-s-box-how-can-patients-influence-safety-and-quality-standards-in-healthcare-/64551.aspx>