



Advancing Industry's View On Intellectual Property Since 1920

TRADE MARKS PATENTS & DESIGNS FEDERATION (TMPDF)

Communication from the Commission - Follow-up to the green paper 'European Transparency Initiative' - COM(2007) 127 Final - SEC(2007) 360

This Federation welcomes the opportunity to comment on the Commission proposals for taking forward the European Transparency Initiative. We warmly agree with the Commission's approach, subject to the comments below.

A more structured framework for the activities of interest representatives

As made clear in our comments on the Green Paper, made in September 2006, we agree with the establishment of a register of interest representatives, and wish to be included in it. We agree with the proposal that inclusion in the register should be on a voluntary basis and that non-inclusion would mean that submissions will be treated as though from individuals, unless the information required for inclusion is provided.

We expect the Commission to maintain close control over access by third parties to the register and to ensure that it will not be used vexatiously, e.g., by organisations bent on disrupting reasonable discussion of controversial issues.

There should be only one register covering the transparency needs of all Community institutions.

As explained in our previous comments, we would be unhappy if an unnecessary amount of information about our financial affairs were to be called for to secure inclusion in the register. However, on the basis that we would be considered as a trade association, we do not object to providing an estimate of the cost to us of making submissions and other approaches to EU institutions.

Clearly, we can only determine this cost by estimating the proportion of our effort that we devote to EU matters, averaging one year with another. We assume that this will be acceptable.

We expect to be invited to make clear the range of issues that interest us when submitting our request for entry in the register.

Code of conduct

We consider that the proposed code of conduct is a reasonable one, on the understanding that the draft proposal that accompanied the follow up communication showed the complete code.

Consultation standards

We understand that the Commission does not intend to review the content of the consultation standards at this stage and agree with the intention to improve and

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reinforce their application, e.g., to provide better feedback, a better coordinated approach and greater consistency of application.

In reinforcing the application of the existing standards, we urge the Commission to put great emphasis on ensuring that consultations are adequately publicised and that target groups are properly and fully defined, so that all relevant organisations are properly consulted - the proposed register should facilitate this. We also urge the Commission to ensure that at least a full eight weeks is allowed to those organisations that wish to respond.

Furthermore, we consider that feedback should indicate the weight to be given to the various opinions and that more should be done to foster discussion and build consensus between different interests, so as to reconcile views before final positions on proposals are adopted.

Publication of beneficiaries of EU funds

We note that the Commission comments do not concern or refer to the distribution of fees from applicants in the intellectual property fields, which we referred to in our previous comments.

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NOTE: TMPDF represents the views of UK industry in both IPR policy and practice matters within the EU, the UK and internationally. This paper represents the views of the innovative and influential companies which are members of this well-established trade association; see list of members below.

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