

Alliance for Lobbying Transparency and Ethics Regulation Annual Report 2016



In 2016, ALTER-EU coordinated strong opposition to a series of European Commission ethics scandals and eventually the Commission was forced to put forward proposals to tighten the rules. We also campaigned hard to get the Commission to deliver on its promise for a "mandatory" transparency register, although work is still needed to make the register mandatory in more than name. In both cases, the solutions proposed by the Commission have failed to address the flaws in its approach to lobby transparency and ethics regulation.

Stronger Ethics Regulation

In [February 2016](#), ALTER-EU responded to MEP Sven Giegold's report "Transparency, integrity and accountability in the EU institutions", which called for the publication of a list of all meetings by policy-makers and a ban on MEPs holding side-jobs which risk a conflict of interest. Together with Democracy International and Transparency International, we led a successful action which called for a wide definition of problematic side-jobs to include all remunerated roles, as well as official positions with organisations that lobby the EU. This [action](#) resulted in over 73,000 emails being sent by citizens across 24 member states to MEPs of the European Parliament's Constitutional Affairs Committee (AFCO).

In July, ALTER-EU [wrote to MEP Richard Corbett](#), rapporteur on the review of the European Parliament's Rules of Procedure calling for a ban on MEPs holding second jobs; an independent code of conduct advisory committee; comprehensive declarations of financial interests; a ban on meeting unregistered lobbyists; and effective sanctions for non-compliance. We worked alongside Richard Corbett and [MEP Sven Giegold](#) to identify amendments which threatened transparency and ethics, and to champion those which promoted them. However, as [we pointed out](#), the reform to the code of conduct failed to put a clear ban on problematic side-jobs. Due to internal European Parliament politics including attempts to delay and [block the report by some political groups](#), the final vote on the Giegold report was postponed until 2017 and the issues were therefore addressed in the Corbett report on the Rules of Procedure. Although there were positive advances to the Rules of Procedure (i.e. on declarations of financial interests), party politics blocked the more progressive proposals. Still, there are now new ethics rules that provide further opportunities to hold MEPs to account on matters of ethics and transparency.

Full lobby transparency now!

After many years campaigning by ALTER-EU to improve the current voluntary Transparency Register, in September, the Commission published its proposal to renew the register and promised the introduction of a "mandatory transparency register". ALTER-EU [responded](#) that same day, focussing on the absence of a commitment to a legally-binding lobby register. The

proposal broadly followed the lines of what ALTER-EU had anticipated, with an additional concern of a proposed narrowing of the definition of lobbying which threatens to create a serious loophole and reduce the effectiveness of the register. We have been [highlighting this flaw](#) in our press and media outreach as well as in advocacy meetings.

In [our response](#) to the [consultation](#) in [March](#), we called for legal sanctions for non-compliance with the register, better disclosure requirements, and the inclusion of the Council and permanent representations, and [invited the public](#) to submit responses using the outline we provided. We helped other civil society organisations to respond to the detailed consultation too.

We have since held several advocacy meetings with the three institutions involved in the upcoming transparency negotiations (Commission, Parliament, Council) including negotiators for the European Parliament; members of the so-called contact group made of MEPs from each political group in charge of following the negotiations; the Secretariat of the Council; and the Secretariat General of the Commission.

Besides the process to revamp the Transparency Register, we have also maintained pressure on the Commission's own commitments towards lobby transparency. In response to the previously discussed Giegold report earlier in the year, we called for a ban on officials throughout the Commission and other institutions meeting with unregistered lobbyists. In December we conducted research and [published](#) on the Commission's flawed approach to proactive transparency, and specifically the way in which lobby meetings of Commissioners and directors-general of the Commission are published.

We also explored an area of lobbying that escapes the scope of the register, namely that of [Permanent Representations](#). We submitted 'access to document' requests to 17 EU permanent representations and exposed that roughly 20 per cent of the meetings held by the respondents were with unregistered lobbyists. Our study also illustrated the extent of the corporate bias of the EU representations, and the absence of transparency and even basic record-keeping when it comes to lobbying directed at the representations. This analysis created high media interest with [Politico](#) and other European news sites reporting our findings.

ALTER-EU kept up the pressure and the public debate on lobby transparency by producing a [detailed analysis of loopholes](#), such as the [absence of law firms](#) from the lobby register; we published a study which featured [nine of the biggest law firms](#)

In September we produced an [MEP briefing](#) on lobby transparency, pointing out our concerns with the Commission's approach and what MEPs could do to improve lobby transparency. We also prepared a short '[spin-buster](#)' for media, and answered numerous media responses both before and after the publication of the Commission's final proposal.

In 2016, there were several key moments in the Full lobby transparency now! campaign across Europe. ALTER-EU has worked closely with its partners who have undertaken various activities to further support lobbying transparency at the national level. These include campaigning around the Sapin Law in France by our partner organisation AITEC with a

[debate on lobbying in July 2016](#) as well as a [study on agriculture industry lobbying around CETA](#) (the EU-Canada trade deal) published in November 2016. Our partner, GONG, held an event in December in Croatia when it invited various institutional actors and politicians to discuss lobby transparency. Frank Bold, based in Poland, published a website on lobbying in Poland <https://jawnylobbying.org/> with information on the state of lobbying and a study to inform the public, as part of its national level campaigning. Reparte il Futuro also actively campaigned to promote lobbying transparency in Italy and published an [analysis and commentary on more than 350 amendments](#) that were presented to the Italian lobbying bill in September 2016. Finally, in the Netherlands, the lobbying transparency coalition led by SOMO, launched its campaign and website Lobbywatch.nl that will seek to expose unethical and non-transparent lobbying in the Netherlands.

Block the Revolving Door

In 2016, a series of scandalous examples of ex-Commissioners taking roles that created potential or actual conflicts of interest brought the revolving door issue to the centre of public attention once again. In particular, the Barroso affair attracted widespread public criticism, giving us the opportunity to demand longer cooling off periods and a strengthened and independent Commission ethics body.

The news of former Commission President José Manuel Barroso [becoming chairman](#) and adviser [of Goldman Sachs International](#) broke in July, only 20 months since he had left office. [ALTER-EU criticised the move](#) and used the opportunity to highlight the systemic problem of the Commission and revolving doors, and its too-short rules for former commissioners. Other problematic examples such as former Trade Commissioner Karel De Gucht and his new role at Arcelor Mittal, and former Digital Agenda Commissioner Neelie Kroes and her new roles at Uber and Salesforce were also highlighted.

In August, we launched a public petition in partnership with WeMove.EU and Transparency International demanding President Juncker took swift action in the Barroso case and reform the rules to prevent new cases from happening. The petition eventually achieved over [63,000 signatures](#) and we presented the petition to the Commission in October. We organised a public stunt involving large masks of the 'offending' commissioners and counted the participation of several MEPs. The petition hand-in was widely covered by media across the EU and [images of our action](#) characterised the revolving doors issue in the press.

Following [the submission](#) of the petition, we [met with Commission Secretary-General Italianer](#) to discuss our proposals but were met with little interest from the side of the Commission. Together with Transparency International, we once again [asked for a meeting with President Juncker](#) to discuss the issue but our request was rejected.

We also actively contributed to the media debate, becoming a go-to source for expertise. As we pointed out in an [article in Euractiv](#), the cases of Barroso et al showed that the current cooling-off period of 18 months was insufficient to prevent conflicts of interest.

We submitted a [complaint](#) to President Juncker in September calling, not only for an extension of the cooling-off period to three years (five years for former presidents), but for the ad hoc ethical committee to be replaced with a far more effective body.

In November, the Commission published its [proposal](#) to extend the cooling-off period to two years for former commissioners and 3 years for former presidents, a weak response that did not address the concerns from civil society, the Parliament, or the EU Ombudsman. ALTER-EU replied in an opinion piece, putting together the [lessons from the Barroso affair](#); we made [public appeals](#) to President Juncker for ethics rules and published a [media reaction](#). ALTER-EU has also been working with MEPs to demand the Commission goes further than the current proposal. In December, we published a [review](#) of the Commission's ethics scandals.

Balanced Expert Groups

Thanks to the mounting pressure that we and other civil society groups, plus members of the European Parliament, had been placing on the Commission to reform its business-biased internal "expert groups" new rules were finally drafted in [May](#) 2016. The Commission did so without consulting the European Ombudsman (who had firmly criticised the Commission's approach on this topic) and neglected to publish the draft rules.

We, alongside BirdLife International, the European Environmental Bureau, and Transparency International EU Office, wrote a [letter](#) to First Vice-President Frans Timmermans, his head of cabinet, the Commission Secretary-General, the EU Ombudsman and several MEPs. We called for the publication of the new rules and also sent a list of policy recommendations. These included reducing reliance on expert groups in favour of public consultations; ensuring balance between public and private interest members of these groups; and avoiding conflicts of interest. We also met with the Vice-President in person, receiving numerous guarantees of our demands, and continued with written correspondence.

When the rules were finally published they established the requirement that all expert group members be registered in the EU Transparency Register, as well as rules on interests which conflict with the remit of the specific expert group. However, some of the changes promised by Vice-President Timmermans were omitted. The implementation was to be completed by the end of 2016 but preliminary research indicates that significant problems remain - both in the implementation of new rules, as well as overall business bias. We await the final outcome of the European Ombudsman review.

Conclusion

This year has been about making the institutions, particularly the Commission realise the need to be more proactive in addressing the flaws in its transparency and ethics practices. We drew attention to various scandals, particularly on the revolving doors campaign, providing the Commission with incentives to avoid a repeat in the future. In terms of lobby transparency, the Commission proposal has made some small steps forward but we will need to keep up the pressure to close the remaining loopholes and new threats. In 2017 we

will be pushing to get the most comprehensive transparency register as possible, whilst reminding all EU decision-makers that ultimately only a legally-binding regulation will make the register work optimally.

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