

ALTER-EU
Alliance for Lobbying Transparency and Ethics Regulation
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Dear President Barroso,

Commissioners and the revolving door

As the present college of commissioners nears the end of its term in office, the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) is writing to urge you to put in place enhanced mechanisms to prevent a repeat of the revolving door scandals which dominated the end of the previous college of commissioners in 2009-10.

ALTER-EU is concerned about the revolving door ie. when public servants leave their EU jobs and start working for big business, lobby firms or other jobs which involve a conflict of interest, or the perception of a conflict of interest. When this happens, it is our view that Brussels becomes even more remote from citizens' concerns and the public interest. In 2009-10 when the Barroso I Commission left office, six out of the departing 13 commissioners moved to the private sector and / or lobby jobs which created a lot of negative media attention and public concern.

ALTER-EU welcomed the subsequent review of the code of conduct for commissioners which included some positive changes. However, we continue to believe that the code of conduct requires further reform in order to meet the highest ethical standards. Such reforms need to be implemented urgently and we propose that they should include the following:

- The notification period for former commissioners should be extended to three years to match the period of time for which ex-commissioners are entitled to receive a transitional allowance.
- The ban on lobbying should also be extended to three years and should cover all issues for which the Barroso II Commission has taken collective decisions, as well as all issues dealt with by an individual commissioner. Any other role which could create a conflict of interest should also be included within this ban.
- The ban on lobbying should be defined in more detail and should include both direct and indirect lobbying such as the provision of lobbying advice.
- Commissioners should be required to provide all possible information about their new role when seeking authorisation and should complete a standard, detailed form.
- Authorisation should not be provided in those cases where the commissioners have not followed the set procedures and time-frames.
- Commissioners should be banned from negotiating new roles whilst in office.

Finally, ALTER-EU believes that the Commission should overhaul the current ad hoc ethical committee and replace it with a professional and fully independent ethics committee which would be responsible for, *inter alia*, the assessment of commissioners' proposed new roles. We enclose a more detailed proposal for this. We were encouraged to read the comments of Commissioner Šefčovič at the Budgetary Control Committee in December 2013 when he indicated that reform of the ad hoc ethical committee was already on the agenda of the Commission. We trust that our proposal to you is timely and we look forward to finding out more about the proposals under consideration.

You will be aware that in her recent ruling the European Ombudsman criticised the Commission's decision to re-appoint Michel Petite to its ad hoc ethical advisory committee in December 2012. We welcome the news that he has now been replaced, but we believe that there remains an urgent requirement to ensure that the body which will assess the possible conflicts of interest of former commissioners is fit for purpose. In our view, in 2009-10 the ad hoc ethical committee took a weak approach to assessing conflicts of interest and it authorised a number of roles which should not have been approved. We note that in her recent ruling, the European Ombudsman proposes a tougher approach to the assessment of conflicts of interest and we consider that it is vital that the Commission adopts a more rigorous approach accordingly.

More generally, we would like to know what steps you will take in 2014 to ensure that the revolving door rules are strictly adhered to by all departing commissioners. It was extremely surprising to us that, in 2009-10, commissioners seemed confused about the rules and that this was used as an excuse for not correctly seeking authorisation for new roles.

We look forward to hearing from you about these very important matters.

Yours sincerely,

ALTER-EU steering committee:

Helen Darbshire (Access Info Europe)

Max Bank (LobbyControl)

Paul de Clerck (Friends of the Earth Europe)

William Dinan (SpinWatch)

Marc Gruber (European Federation of Journalists)

Jorgo Riss (Greenpeace European Unit)

Erik Wesselius (Corporate Europe Observatory)

cc Commissioner Šefčovič



An ALTER-EU proposal for a new professional and independent ethics committee for the European Commission

The Commission currently has an ad hoc ethical committee: <http://www.bruxelles2.eu/wp-content/uploads/2013/01/De%CC%81-NominCte%CC%81Ethique%C2%AE121212.doc>

Its remit is to look at the revolving door moves of departing commissioners as foreseen in the commissioners' code of conduct: http://ec.europa.eu/commission_2010-2014/pdf/code_conduct_en.pdf

Specifically it:

- (1) Advises the Commission, on request, on commissioners' revolving doors moves and whether, in relation to the content of her/his former portfolio, it is compatible with article 245 of the Treaty on the Functioning of the European Union (TFEU);
- (2) May be requested by the Commission President to deliver opinions on any general ethical question concerning the interpretation of the code of conduct;

ALTER-EU believes that the Commission should replace this body with a new professional and independent ethics committee.

Remit

- All matters concerning ethics and conflict of interest regulations, policies, codes applying to Commission staff and commissioners, and their implementation and enforcement, with the aim of promoting high ethical standards and best practice

Powers

- Provide opinions on specific cases when asked by the Commission, as well as to investigate specific cases on its own initiative, and to advise on sanctions
- Review and make recommendations regarding the implementation and enforcement processes surrounding ethics regulations and policies
- Review and make recommendations for new or revised regulations and policies and to promote good practice
- Refer cases to legal bodies where there is potential law-breaking
- Conduct training on ethics issues

Accountability

- To the President of the Commission
- To the European Parliament: will produce a twice-yearly report on work and highlight instances where the COM did not follow advice
- To the public: transparency on its work (within 30 days), within data privacy guidelines

Membership

- Independent membership (ie. no history in the Commission)
- Membership drawn from experts in national ethics administration
- Fixed term appointments
- Commission and Parliament to both put forward recommendations for members
- Needs a clear conflict of interest policy to govern its members and declarations of interest and CVs of members should be published on-line

Resources

- Accompanied by a well-resourced secretariat with investigative powers