

NAVIGATING THE LOBBY LABYRINTH

*A guide to
transparency and
ethics for MEPs*



NAVIGATING THE LOBBY LABYRINTH

A guide to transparency and ethics for MEPs

The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) is a coalition of over 200 civil society groups and trade unions concerned with the increasing influence exerted by corporate lobbyists on the political agenda in Europe.

ALTER-EU has produced this guide to help Members of the European Parliament (MEPs) navigate the Brussels bubble while maintaining their independence and integrity, especially when it comes to contacts with lobbyists or representatives of special interests.

The guide is intended to help MEPs demonstrate their commitment to transparency and fulfill their obligations to be receptive to public opinion, open to public scrutiny, and fully independent in order to defend the public interest. It contains tips on what MEPs can do if they want to **exercise good practice in ethics and transparency, and highlights potentially problematic lobby areas where ALTER-EU recommends that MEPs exercise caution.**

In 2011, the cash-for-amendments scandal shook the European Parliament leading to the creation of the existing Code of Conduct for MEPs (Annex I of the Rules of Procedure). Since then, the European Parliament has updated it several times and some improvements have been made. This includes important changes to lobby transparency that have been implemented for the first time in the plenary session of July 2019.

While this paper provides guidance to MEPs on how best to handle lobby contacts and comply with the current rules, we believe that revising and strengthening the Code of Conduct and its enforcement mechanisms, as well as the Transparency Register, is the only way to properly ensure that best practice is followed. These steps are needed for citizens' trust and engagement with the European Parliament to increase.

As an MEP you will have the power to improve the rules and hold your colleagues accountable in order to deliver better EU politics. In fact, your constituents will rely on you for it.

CHECKLIST

	THEME	DO	DON'T
<i>one</i>	Proactive transparency	Do use the European Parliament website to list all of your lobby meetings.	Don't meet with lobbyists who refuse to be transparent.
<i>two</i>	Legislative footprint	Do publish a 'live' legislative footprint when acting as rapporteur, shadow or committee chair.	Don't wait until the report is finalised to publish the legislative footprint.
<i>three</i>	Meeting with lobbyists	Do prepare well and conduct basic research to check what interests they represent and who funds them. Ask for further information if needed.	Don't accept information without questioning it.
<i>four</i>	Unregistered lobbyists	Do check if lobbyists are registered in the EU Transparency Register before meeting them. Encourage unregistered groups to join the EU Transparency Register.	Don't meet with unregistered lobbyists.
<i>five</i>	Tobacco industry lobby	Do fully implement the WHO's guidelines on how to handle tobacco lobbyists.	Don't meet with tobacco lobbyists.
<i>six</i>	Declaration of financial interest as per the MEP Code of Conduct	Do make the fullest and clearest possible declaration.	Don't leave fields blank or provide vague information.
<i>seven</i>	Conflicts of interest	Do think carefully about potential conflicts of interest and act to avoid them.	Don't hold on to private interests which could create an actual, potential or perceived conflict with MEP work.
<i>eight</i>	Second jobs and shareholdings	Do disclose all professional activities (remunerated or not) performed during your mandate as MEP, and for three years before it.	Don't undertake activities that might create potential conflicting interests with your public mandate, such as holding positions or shares in companies or organisations involved in EU lobbying.

	THEME	DO	DON'T
<i>nine</i>	External funding	Do declare all external support received.	Don't accept external funding for office.
<i>ten</i>	External amendments	Do avoid copy-pasting amendments from lobby organisations. Reference the source of all amendments.	Don't table external amendments verbatim which you haven't checked and approved.
<i>eleven</i>	Cross-party groups	Do treat with caution.	Don't join secretive, industry-funded groups.
<i>twelve</i>	Hospitality	Do treat with caution.	Don't accept industry-funded trips.
<i>thirteen</i>	Hosting events	Do treat with caution.	Don't host opaque industry events.
<i>fourteen</i>	Unethical lobbying	Do report it.	Don't give in to pressure.
<i>fifteen</i>	Consultation with stakeholders	Do seek out the opinion of a varied group of actors and input from your constituents.	Don't simply meet those that seek meetings - this can exclude citizens and groups with fewer resources from decision-making.
<i>sixteen</i>	Right of access to documents	Do respond openly to requests for access to documents.	Don't refuse to respond to requests due to mere technicalities.
<i>seventeen</i>	Revolving doors	After leaving the European Parliament, do adopt a voluntary two-year cooling off period before joining a company or organisation involved in EU-lobbying. Avoid lobbying jobs.	Don't use your privileges as a former MEP to influence the EU institutions on behalf of companies or lobby firms. Don't accept the transitional allowance if you have a new job.

.....

one

PRO-ACTIVELY LIST ALL YOUR LOBBY MEETINGS

Brussels is one of the lobbying epicenters of the world. As an MEP you are joining an institution that is often the target of intense lobbying pressure.

Estimates put the overall number of lobbyists working to influence the EU institutions between 25,000 and 30,000. The Transparency Register shows that for each MEP, there are around seven lobbyists with European Parliament accreditation. However, it is not always clear who is lobbying whom and for what purpose.

This makes it extremely important for MEPs to be cautious and transparent in their interactions with lobbyists.

This year, for the first time, the European Parliament is giving MEPs the ability to publicly list their meetings with lobbyists on the European Parliament website. The Rules of Procedure for MEPs (Rule 11.3) state that *“Members should publish online all scheduled meetings with interest representatives falling under the scope of the Transparency Register”*.

ALTER-EU urges you to do so. By using the tab in your profile page on the European Parliament website for listing these meetings and encouraging colleagues to do so as well, you will increase the scrutiny placed on lobbying and thereby strengthen public trust in policy making.

You won't be alone. Many MEPs and even some entire political groups (for instance, the UK Conservative Party and the whole Greens-EFA group) have already been publishing their meetings on their personal websites for years. Not to mention that the top tier of the European Commission (the Commission President, Commissioners, their cabinets and Directors General) have been obliged to do so since 2014.

two

PROVIDE A THOROUGH LEGISLATIVE FOOTPRINT

For MEPs with special titles (rapporteurs, shadow rapporteurs and committee chairs), publishing lobby meetings is not a recommendation but a mandatory rule.

In 2019, MEPs agreed that: *“rapporteurs, shadow rapporteurs and committee chairs shall, for each report, publish online all scheduled meetings with interest representatives falling under the scope of the Transparency Register.”* (Rules of Procedure, Rule 11.3)

We encourage all MEPs to use the new online tool to provide public information about the lobbying that they encounter while in office.

To be most effective, such meeting lists should be updated as regularly as possible. ALTER-EU also urges the European Parliament to continue improving this infrastructure to make the data easy to download, export and compare.

This is a light version of what is often called a legislative footprint. A thorough version would include indicating who initiated a particular proposal, to detail the stakeholders that had been consulted and had an important role during the preparation of the report, to list written input and external expertise given, as well as studies used, and to indicate where wording has been taken verbatim from other sources.

The legislative footprint report should be detailed enough to show citizens how a piece of legislation was shaped, and by whom. Ideally, this information would be published well before the final report is voted on and not after it is already adopted, so that citizens can follow the ‘live’ decision-making process in detail.

.....

three

PREPARE WELL FOR MEETINGS WITH LOBBYISTS

We recommend that before meeting with a lobby group, you check various sources of information to learn more about them and to ensure that you are well briefed.

Lobbying is done by a wide range of actors, from companies, to public affairs specialists, law firms, trade associations and not-for-profit organisations. Use your preparatory research to identify who finances the actors you are meeting, which interests they represent, and whether they indulge in deceptive lobbying tactics, such as front groups (see box).

Before any interaction with a lobbying entity, check their entry in the EU Transparency Register. This is a good general source for information on lobbyists, but it also allows you to see which organisations are following the minimum requirements of transparency - to be registered, declare their lobbying budget, their sources of funding, clients and their lobbying interests and intermediaries.

1 <https://corporateeurope.org/en/lobbycracy/2013/06/complaint-forces-european-privacy-association-confirm-facebook-google-microsoft>

2 <https://lobbyfacts.eu/representative/16bcd3d3a51f4ab5a3bd72fde2a72fc3/european-privacy-association>

You can find information about lobby groups:

- In the EU Transparency Register
- At [LobbyFacts.eu](https://lobbyfacts.eu), a web tool created to sort and compare the data of the Transparency Register
- And of course via the website and social media accounts of the organisation you are meeting

EXAMPLE: EUROPEAN PRIVACY ASSOCIATION

Front groups are organisations that proclaim to represent citizens' groups, yet actually speak on behalf of the corporations which finance or, in some cases, run them. The European Privacy Association (EPA) is a prime example of such a tactic.

The EPA claimed to be an independent think tank and its name gives the impression that it is a supporter of citizens' rights to data privacy. It took a complaint from Corporate Europe Observatory for it to reveal it was actually backed by big tech companies including Facebook, Yahoo and Microsoft, and to finally label itself as an industry lobby group.¹ The EPA is not currently active.²

four

DO NOT MEET UNREGISTERED LOBBYISTS

The latest reforms of the Rules of Procedure Rule 11.2 now also recommends MEPs to *“adopt the systematic practice of only meeting interest representatives that have registered in the Transparency Register”*.

To this day many lobbying organisations, especially law firms engaged in lobby work, avoid public scrutiny of their influencing activities by simply refusing to join the Transparency Register.

Unfortunately, the register is not mandatory, and instead relies on a set of incentives. The most important thus far has been to make it mandatory to be registered to be able to have meetings with the top tier of the European Commission. Since then, the number of registrants has increased.

As an MEP you are uniquely placed to contribute to the improvement of overall lobby transparency in the EU, simply by refusing meetings with unregistered lobbyists.

In line with the register itself, we strongly recommend that, if an organisation is in any way engaged in *“activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions”*, it should register.

However, there are some exemptions to the need to register. Individual citizens, whistleblowers, small grassroots constituents’ groups or sometimes even local small and medium enterprises (SMEs) should be exempt from this, especially when they only occasionally approach EU institutions. But formal organisations, businesses or campaign groups (even those operating just within constituencies) that do attempt to influence EU policies should register, and MEPs should actively encourage them to do so.

If you receive a request from an unregistered actor that should be registered, please ask them to register. If they don’t, we urge you to decline the request.

five

AVOID MEETINGS AND CONTACTS WITH THE TOBACCO INDUSTRY LOBBY

The World Health Organisation Framework Convention on Tobacco Control (FCTC) requires, in Article 5.3, that all parties “*act to protect these [tobacco-related] policies from commercial and other vested interests of the tobacco industry in accordance with national law*”.

The WHO’s accompanying guidelines stipulate that decision-makers “*should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products*”. The guidelines clarify that “*where interactions with the tobacco industry are necessary, parties should ensure that such interactions are conducted transparently*”.

European institutions, including MEPs, are bound by World Health Organisation guidelines on tobacco-related public health policies, which seek to limit regulators’ contacts with the tobacco industry lobby to a minimum and ensure full transparency by publishing a list of all meetings with tobacco lobbyists (and minutes of these meetings).

However, ALTER-EU discovered that during the discussion on the 2014 Tobacco Products Directive, no fewer than 233 MEPs (almost one third) had met a Philip Morris International lobbyist on at least one occasion.

The Code of Conduct for MEPs (Annex I of the Rules of Procedure) does not currently include a mention of the WHO rules around tobacco lobbying, which is something we propose needs to be corrected in the next review. In the meantime, active information and training of MEPs and staff on the rules of the FCTC and on how to protect decision-making from tobacco industry influence should be provided.

six

MAKE A THOROUGH AND CLEAR DECLARATION OF FINANCIAL INTERESTS

It goes without saying that the current MEP Code of Conduct should be adhered to at all times and used as a minimum standard for ethical and transparent behaviour.

According to the Code of Conduct, MEPs should submit updated declarations of interest at the beginning of their mandate and within 30 days of any major material changes in their outside interests. But it is also good practice for MEPs to review and submit an updated declaration every three to six months, so that citizens can be confident that the declarations remain an accurate reflection of MEPs' current declarable interests.

In particular, we strongly recommend that MEPs submit declarations of interest that are detailed, specific (avoid vague descriptions of occupation such as 'expert', 'consultant' or 'advisor'), complete and disclose the following:

- All remunerated occupations held by MEPs, and all non-remunerated directorships, board positions, trustee and advisory roles
- All sources of additional income, even if it does not exceed the €5000 threshold set out in the code
- Shareholdings
- Assets (property, investments, life insurance policies, business assets)
- MEPs working for law firms should disclose the clients they work for or at least the branch the clients come from.

In boxes where you have nothing to declare, it is better to write this than to leave it blank.

seven

TACKLE CONFLICTS OF INTEREST

As a Member of the European Parliament you might find yourself in an actual or potential conflict of interest, where a personal interest may influence the independent performance of your duties. These conflicts cover a wide range of potential benefits to MEPs as well as spouses, partners or direct family members.

Tackling such conflicts is crucial to guaranteeing independent policy-making.

Article 3.2 of the Code of Conduct (Annex I of the Rules of Procedure) states that: *“Any Member who finds that he or she has a conflict of interest shall immediately take the necessary steps to address it, in accordance with the principles and provisions of this Code of Conduct. If the Member is unable to resolve the conflict of interest, he or she shall report this to the President in writing. In cases of ambiguity, the Member may seek advice in confidence from the Advisory Committee on the Conduct of Members, established under Article 7.”*

ALTER-EU believes that it is inappropriate for MEPs to have any conflicts of interest. We urge you to divest of all outside interests which could improperly influence or conflict with your work as an MEP. This most obviously arises where MEPs hold second jobs and/or shareholdings that may put them, or risk putting them, in a situation where a personal interest may influence the independent performance of their duties. Just making a conflict of interest transparent is not enough according to both the Code of Conduct and best practice.

.....

eight

END SECOND JOBS AND SHAREHOLDINGS THAT RISK CAUSING CONFLICTS OF INTERESTS

Article 2(c) of the Code of Conduct states that “*in exercising their duties, Members of the European Parliament shall not engage in paid professional lobbying directly linked to the Union decision-making process*”.

In addition, we recommend that MEPs do not undertake roles such as providing lobby advice through jobs in advisory boards or acting as a lawyer for clients, if these are involved in influencing policy-making at the EU level.

Moreover, we believe that MEPs should not own shareholdings which could provoke a conflict of interest with their work as an MEP, for example if these enterprises are involved in EU lobbying. New MEPs should divest themselves of such shareholdings when taking office.

Many MEPs earn additional income from writing, giving occasional lectures, or even from small family businesses such as farms. We do not think MEPs should be banned from second jobs that are not related to EU policy-making. However, all additional income should be declared and time-consuming second jobs should be avoided, so that voters are assured that MEPs devote the maximum amount of time to their important parliamentary work.

According to the Code of Conduct for MEPs, article 3.3, MEPs shall inform the chairs before voting, speaking on or taking on the role of rapporteur on matters where they might have a conflict of interest not disclosed in their declaration of financial interest. ALTER-EU recommends MEP recuse themselves and not vote on matters they may have a conflict of interest that cannot be otherwise resolved.

eight (continued)

END SECOND JOBS AND SHAREHOLDINGS THAT RISK CAUSING CONFLICTS OF INTERESTS

SECOND JOBS

For years, ALTER-EU and its members have been raising formal complaints regarding possible conflicts of interest between MEPs' side jobs and their parliamentary work. In 2015, Friends of the Earth Europe, Corporate Europe Observatory and LobbyControl raised the alarm on nine cases of MEPs who held paid positions in companies or business associations that directly or indirectly lobbied EU decision-makers on then-current legislative files.³ The cases include parliamentarians from Poland, Italy, Germany, Belgium, France, the UK, Denmark and Austria, some of whom had already given rise to concerns in the previous parliamentary term.

In 2016, the same organisations requested an investigation into conflicts of interest pertaining to an MEP who declared herself 'of counsel' to a law firm which lobbied the EU institutions.⁴ The following year, Transparency International EU submitted a separate complaint regarding an MEP who had not declared his involvement in two organisations directly affected by his parliamentary work.⁵

The complaints were addressed to the European Parliament President, first Martin Schulz and then Antonio Tajani, who were responsible for assessing them and deciding whether to start an investigation. Neither of them has ever agreed to investigate potential conflicts of interest created by side jobs.

The lack of independent monitoring and enforcement is one of the key problems with the Parliament's ethics rules.

3 <https://www.alter-eu.org/documents/2015/06/18/whose-representatives-meps-on-the-industry-payroll>

4 http://www.foeeurope.org/sites/default/files/lobby_transparency/2016/letter_to_president_schulz_on_mep_niebler.pdf

5 <http://transparency.eu/wp-content/uploads/2017/09/2017-09-21-Tajani-Ferber-complaint.pdf>

nine

REFUSE OFFICE FUNDING FROM EXTERNAL SOURCES

MEPs must declare any material external support received towards office costs or staff salaries, according to Article 4.2(g) of the Code of Conduct. However, ALTER-EU believes that no MEP should accept funding from any external source (other than their political party) towards these costs.

MEPs already receive generous publicly-funded allowances and they should not jeopardise their independence by accepting other contributions, particularly if these external actors are involved in EU lobbying.



.....

ten

AMENDMENTS DRAFTED BY LOBBYISTS: HANDLE WITH CARE

It is a widespread practice for lobbyists (both industry and NGOs) to send proposed amendments to MEPs who then submit them for voting. This is not an illegal practice, but it can be problematic.

Industry lobbyists in particular are able to devote huge resources to drafting large numbers of detailed, technical amendments and to spend time getting them tabled. At times, several MEPs table identical amendments, or the office of an MEP tables hundreds of amendments, raising serious questions about whether the MEP genuinely understands and agrees with what they are submitting, or whether they are simply acting as a channel for external interests.

ALTER-EU recommends that MEPs exercise extreme caution and vigilance when using externally-drafted texts. You should at least be sure that you fully understand and agree with the changes being proposed by outside groups before tabling amendments.

Our advice is that externally drafted amendments are gathered as part of an MEP's consultation with stakeholders and then only used verbatim if an MEP fully agrees with the position that they are tabling as a formal amendment. It is important that any MEP tabling an externally-derived amendment declares its original source.

MEPs may wish to submit any draft amendments, voting recommendations or lobby materials received to the external Lobby Cloud website, which is an repository of lobby documents coded by OpenDataCity and supported by the Greens/EFA group: lobbycloud.eu

Alternatively, MEPs could publish these on their own websites.

.....

ten (continued)

AMENDMENTS DRAFTED BY LOBBYISTS: HANDLE WITH CARE

EXAMPLE: GENERAL DATA PROTECTION REGULATION AMENDMENTS

The legislative process for the General Data Protection Regulation (GDPR) was an intense lobby battle in Brussels with big tech companies and their intermediaries seeking to avoid limitations to their use of online personal data for commercial purposes.

This battle also exposed a pervasive technique for influencing the European Parliament: providing fully formatted technical amendments to MEPs. A crowd-sourced project - LobbyPlag.eu - exposed how some MEPs were directly copy-pasting the amendments provided by big tech companies.

Most notoriously, Belgian MEP Louis Michel was caught submitting over 150 amendments⁶ that were direct copies of those submitted by business lobby groups. The MEP claimed that he was unaware of the amendments being tabled in his name and blamed his adviser, who resigned a few months later. Michel ended up withdrawing some of the amendments⁷.

6 <https://euobserver.com/institutional/122205>

7 <https://corporateeurope.org/en/lobbycracy/2013/02/crowdsourced-lobby-expos-shows-internet-giants-have-footprints-our-data-privacy>

eleven

CROSS-PARTY GROUPS: HANDLE WITH CARE

As an MEP, you will be faced with two kinds of cross-party groups operating in and around the European Parliament: formal intergroups which have preferential access to Parliamentary resources and facilities in Strasbourg, and informal groups.

Informal cross-party groups, in particular, can be lobbying vehicles set up and funded by industry lobbies and thus should be treated with caution. We suggest that if you are invited to an intergroup or

cross-party group, you should check if the group is transparent and open.

For example, is it clear who the members and funders are, who sponsors meetings and publications made in the name of the group, and who provides secretarial and administrative services? ALTER-EU advises against joining any intergroup or cross-party group that is not transparent about these matters.

twelve

PAID HOSPITALITY AND TRAVEL: HANDLE WITH CARE

As you will know, hospitality and travel accepted by MEPs has to be disclosed under the current Code of Conduct. Hospitality offers (from dinners and cocktail parties to all-expenses-paid trips funded by external parties) can be attempts by well-resourced groups to influence MEPs and for this reason we recommend that a cautious and critical approach be taken when considering such invitations. We would urge you to

adopt full transparency around hospitality and travel regardless of whether the cost was greater than €150.

ALTER-EU believes that the MEP Code of Conduct should be revised to reduce the acceptable gift value from €150 to €50 and that MEPs should also be required to estimate the value of the hospitality they are offered by outside actors.

.....

thirteen

HELPING LOBBYISTS WITH EVENTS IN THE PARLIAMENT: TREAT WITH CAUTION

Sometimes lobbyists will ask an MEP for their help to host events in the European Parliament in the expectation that association with parliamentary premises will give its lobbying activities greater authority and respectability. MEPs are of course free to host any event that they choose, but should take care to only sponsor events that they genuinely support.

In the past, some MEPs have offered private interests considerable help with organising events, and in some cases this can be problematic. For example, Belgian authorities are currently investigating an event held inside the European Parliament and hosted by a British MEP which had in fact been sponsored by tobacco producer Japan Tobacco International. Authorities are concerned such an event might violate the tobacco advertising directive⁸.

ALTER-EU recommends you treat such requests with caution, and carefully analyse requests for support from lobby groups on a case-by-case basis so that you know which interests they are supporting. In any event, if support is provided, this should be made public and be fully transparent.

⁸ <https://euobserver.com/health/145285>

fourteen

CHALLENGE UNETHICAL LOBBYING PROACTIVELY

The Code of Conduct for lobbyists, which is part of the EU Transparency Register, states that lobbyists should “*not obtain or try to obtain information, or any decision, dishonestly, or by use of undue pressure or inappropriate behaviour*”. No further information is given about what might constitute inappropriate behaviour.

ALTER-EU considers unethical or inappropriate lobbying to include actions or activities by lobbyists that infringe upon the private sphere or personal life of a policy maker in an attempt to exercise influence, as well as misleading policy makers by hiding their identity or clients. Examples that have been provided to us by MEPs include unsolicited phone calls to home residences or private numbers (when the MEP has not proactively shared these numbers), seeking out personal acquaintances in a bid to access decision makers, or employing middlemen to engage in lobbying activities so that it is not clear which interests are being represented.

We strongly recommend that MEPs speak out if they see unethical or inappropriate lobbying taking place. This could mean reporting it to the Parliament’s president,

to the Joint Transparency Register Secretariat or to transparency watchdogs such as ALTER-EU.

Another behaviour that should be tackled is lobbyists’ disrespect or lack of consideration for the European Parliament. Rule 123 of the Rules of Procedure states that “*the Secretary-General shall, with the authorisation of the quaestors, withdraw or de-activate a long-term access badge where its holder has been disbarred from the transparency register for a breach of the Code of Conduct for Registrants, has been guilty of a serious breach of the obligations laid down in this paragraph, or has refused, without offering a sufficient justification, to comply with a formal summons to attend a hearing or committee meeting or to cooperate with a committee inquiry*”.

This happened once during the previous term when Monsanto refused to attend a Parliamentary hearing in 2017. The European Parliament took away Monsanto’s access badge⁹.

You are also likely to find examples of lobbying that while unethical are not strictly violating the current rules. Such cases should be made public.

9 <https://www.alter-eu.org/press-releases/2017/11/02>

fifteen

SEEK INPUT FROM ALL SECTORS OF SOCIETY

Please don't get stuck in the Brussels bubble!

We know that MEPs are bombarded by paid lobbyists and sometimes aren't able to hear from citizens about their views on topics being debated in Brussels. We recommend that you actively reach out to citizens, especially at home, for guidance on EU decision-making and don't rely on paid lobbyists for all your information.

MEPs should open up channels for citizen and civil society participation and ensure that they seek multiple viewpoints and sources of information in order to be better-placed to balance the different interests seeking to influence the decision-making process.



sixteen

RESPECT THE RIGHT OF ACCESS TO INFORMATION AND EU DOCUMENTS

Article 15.3 of the Treaty on the Functioning of the European Union guarantees that EU citizens have a right of access to documents held by the EU institutions, offices, bodies and agencies, “whatever their medium”. The right of access to information is a fundamental human right that is necessary for the exercise of freedom of expression. Furthermore, without information, citizens cannot participate in the EU’s decision-making processes or hold EU officials to account.

EU Regulation 1049/2001 on public access to EU documents applies to the European Parliament, but not to individual MEPs per se. The Parliament is obliged to respond to requests for information within 15 working days and can only refuse access to information that is covered by a particular exemption. The premise is that public access to information is the norm and secrecy the exception.

ALTER-EU recommends that MEPs respond to citizens’ requests and questions in a manner that is consistent with the right of access to information, so that citizens are better able to know what their elected representatives are doing with the power entrusted to them.

seventeen

PUT A STOP TO THE 'REVOLVING DOOR'

MEPs should keep ethics and transparency in mind even after the end of their mandate.

The members of the ALTER-EU coalition are very concerned about the way in which former EU insiders are recruited by lobby firms or big business as part of their influencing strategies.

In 2014, we watched with great concern how, within weeks of their mandate finishing, some former members of the Economic and Monetary Affairs (ECON) Committee took up employment in financial industry bodies which lobby the EU¹⁰, while others went straight to lobby consultancies or created their own lobby firms.¹¹ Transparency International EU recently found that 30 per cent of all MEPs who left office since 2014 had gone on to work for organisations registered in the EU lobby register.¹² To make matters worse, we have also witnessed former MEPs using their privileges to lobby their former colleagues.

More recently, Bryan Hayes MEP, the Vice-Chair of the ECON Committee, announced that he would join the Banking & Payments Federation of Ireland – the Irish banking lobby – at the end of his mandate. He made this announcement months before his mandate actually ended.

Unfortunately the MEP Code of Conduct has very little to say about this 'revolving door' phenomenon. Members are merely told to inform the European Parliament if they engage in “professional lobbying or representational activities directly linked to the European Union decision-making process” and that during this employment they may not “benefit from the facilities granted to former Members”. This merely translates into losing their lifelong access to the Parliament.

10 <https://corporateeurope.org/en/revolving-doors/2014/09/meps-spin-industry>

11 <https://corporateeurope.org/en/revolving-doors/2015/02/uk-liberal-democrats-are-spinning-through-revolving-door>

12 <https://transparency.eu/wp-content/uploads/2017/01/Access-all-areas.pdf>

seventeen (continued)

PUT A STOP TO THE 'REVOLVING DOOR'



ALTER-EU recommends that MEPs be cautious about the possible conflicts of interest (or perceptions of conflicts of interest) that could arise from moving into private sector jobs that are related to their previous EU portfolios.

MEPs who wish to avoid accusations that they may abuse their political position to secure future careers should follow these guidelines:

- Adopt a voluntary two year cooling-off period after leaving office before accepting any EU-related lobby job
- Do not negotiate or accept new job contracts while still in office
- Do not accept the transitional allowance if you have accepted a new job with equivalent pay

In addition, you should take action if you suspect that a former MEP is lobbying without a lobby badge, for instance by alerting the Advisory Committee on the Conduct of Members.

ABOUT ALTER-EU'S OWN LOBBYING

ALTER-EU publishes on its website (alter-eu.org) its position papers, all briefings sent to MEPs and correspondence with key decision-makers such as Commissioners.

ALTER-EU occasionally sends MEPs suggestions on how to draft questions for hearings or legislative amendments. We do this in the full hope that MEPs will rewrite them according to their own views and we advise all MEPs using such materials to publicly attribute them to ALTER-EU.

Please join our call to demand a revised MEP Code of Conduct. In our view, this should include:

- Stricter regulation of conflicts of interest including second jobs
- Better declarations of interest
- Control over revolving doors
- An independent ethics body that has the power to investigate and sanction for lack of compliance.

Please contact us at coordinator@alter-eu.org if you have any feedback on this guide or would like further information about any aspect of it.



Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)

Mundo B, Rue d'Edimbourg 26, B-1050 Brussels

Tel: +32-2-8931062 E-mail: info@alter-eu.org

ALTER-EU is registered in the EU Transparency Register under number: 2694372574-63.

Written by Myriam Douo, Nina Katzemich, Margarida Silva

Edited by James O'Nions and Paul Hallows

Design: www.emilysadler.com

Published by the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU), July 2019

NAVIGATING THE LOBBY LABYRINTH

A guide to transparency and ethics for MEPs