

Corporate Europe Observatory
Mundo B
Rue d'Edimbourg 26
1050 Bruxelles
0032 289 309 30
olivier@corporateeurope.org



12 September 2011

Dear Commissioner Šefčovič,

Transparency on revolving doors

I am writing to you about the lack of transparency across the EU institutions regarding the application of staff regulations article 16 and to urge you to instruct staff to begin to collate and publish a list of all cases considered under article 16.

As you will know Corporate Europe Observatory is a research and campaign group working to promote transparency and accountability in EU policy making. For a number of years, we have used access to documents to look at the issue of personnel who come and go between the European institutions and lobby groups and consultancies in Brussels, including via sabbaticals, temporary contracts and on a permanent basis. According to industry insiders (and some CEO research), perhaps half of the industry lobbyists in Brussels have previously worked in the EU institutions, many of these in the Commission, which underlines the scale of the problem.

Since 2008, in response to our access to documents requests, we have been told that as no central list of 'revolving doors' cases exists, that the Commission cannot provide us with the detail of any cases, and can only provide us with general data about the numbers of cases which are examined under staff regulations article 16. We have been told that document searches can only be conducted for named individuals, although when we do supply a name, the information is not always forthcoming in a timely manner.

We maintain that this approach of the EU institutions, including the Commission, is neither transparent nor efficient, and that a detailed list of revolving doors cases should now be developed and maintained on-line. We argue this for several reasons:

Firstly, the issue of revolving doors is very important and it is widely recognised that it is one way in which public officials can develop profound conflicts of interest. Of recent revolving doors cases which have reached the light of day, a number have indicated apparently strong conflicts of interest, such as when former directors-general or other senior Commission staff join Brussels lobby consultancies or set up their own lobby consultancies, often in the same policy areas for which they had responsibility whilst at the Commission. Whilst transparency by itself will not prevent conflicts of interest, it is an important indication that the EU institutions take this issue seriously.

Moreover, publicly available information on the revolving doors issue will make the media and NGO 'watchdog' role easier. This watchdog role is very important as it appears that several very serious breaches of article 16 of the staff regulations were only uncovered

when NGOs complained to the relevant authorities and the media highlighted these cases. Such cases include Mr John Bruton (where an authorisation request apparently went missing in the post meaning that his appointment as a Brussels-based lobbyist went unapproved until CEO pointed this out to the authorities) and Mr Thomas Lönngren (who failed to request authorisation for all of his new jobs, including a post at a pharmaceuticals lobby consultancy, after leaving the European Medicines Agency. When NGOs and the media complained, EMA was forced to toughen-up Lönngren's post-employment restrictions, amidst much negative publicity for the agency).

But it is not just NGOs and the media who are concerned about revolving doors. MEPs have also asked for more information about this issue to be placed in the public domain. In 2008, the European Parliament's environment committee called for the Commission to “report on all officials having left the services of this Commission, definitively or for a time-limited sabbatical, to take up a new job that is related to his/her former field of work within two years of leaving the service, with particular reference to employment in lobby firms as an advisor, consultant or assistant, and any conditions or prohibitions it has adopted pursuant to Article 16 of the Staff Regulations”¹.

Meanwhile, a highly critical report about the European Medicines Agency from the Budget Control Committee condemned its handling of the Lönngren case, and amongst other demands, asked for a list of “all comparable cases that have occurred since the creation of the Agency and [which] explains thoroughly the Management Board's decision in each case” by 30 June 2011; it is not known if EMA has complied with this². More recently, Nessa Childers MEP asked for the details of all recent revolving doors cases. In your reply to her, you said that such 'personal data' could not be released.

In fact, it seems to us that there is no case to be made about personal data and confidentiality. A public list of revolving doors cases would not need to include dates of birth, personal addresses or other contact details.

Indeed, other countries such as the UK do not seem to have such concerns and regularly publish information on revolving doors in line with our request to you now. In the UK, a simple on-line table is produced which does not include any sensitive personal data: http://acoba.independent.gov.uk/former_crown_servants_appointments.aspx

Afterall, it is legitimate for questions to be asked about the revolving door and for detailed information to be provided about how article 16 of the staff regulations is being applied; yet the access to documents system fails to provide this information adequately. Access to documents also seems a rather inefficient and time-consuming way of eliciting the information, for both the Commission and for ourselves.

I urge you to ensure that a full list is set up which maintains the details of all revolving doors cases henceforth. Such a list would include the name, the EU institution position of the official, the new role or roles of the official and the dates, whether the job move was approved, and what if any conditions were attached to the acceptance of this post under article 16. Such a list would be publicly maintained on a central website and updated on a regular basis. A proactive approach to transparency would also see related documents (such as applications for authorisation and related correspondence) also uploaded onto the site, which would cut down on the number of access to document requests being

1 <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=A6-0105/2008>

2 <http://www.europarl.europa.eu/activities/committees/reportsCom.do;jsessionid=B00E07CF6DF090A9110F69053545690F.node2?language=EN&body=CONT>

tabled.

I am aware that in your confirmation hearing with the constitutional affairs committee you talked about the need for reform in the area of revolving doors of EU institution staff. In this spirit, I urge you to adopt a proactive transparency approach to this issue.

I look forward to hearing from you and I would be pleased to meet with you to discuss this issue in more detail.

Yours sincerely,

A handwritten signature in blue ink that reads "Olivier Hoedeman". The signature is written in a cursive style and is underlined with a long, sweeping horizontal stroke.

Olivier Hoedeman
Research and Campaigns Coordinator