

European Commission
Ms Catherine Day - Secretary General of the Commission
Mr Siim Kallas - Vice-President of the Commission,
Commissioner for Administrative Affairs,
Audit and Anti-Fraud



Brussels, 13 January 2006

Dear Ms Day and Mr Kallas,

We are writing to you in relation to the Commission's recent Communication on Transparency. As you may know ALTER-EU is a broad coalition of over 140 civil society groups, trade unions, academics and public affairs firms, calling for:

- EU lobbying disclosure legislation.
- An improved code of conduct for European Commission Officials
- The European Commission to redress the privileged access and undue influence granted to corporate lobbyists

We welcome the Commission's announcement, of 9 November 2005, to formally launch the 'European Transparency Initiative'. It is urgent that the Commission meaningfully improves transparency in EU policy making. ALTER-EU fully supports efforts to make EU decision making more transparent and accountable. We are keen to contribute to the forthcoming deliberations on the ETI and would like to provide input on the proposals.

In the November Communication you announced debates on both lobbying and the Commission's consultation practices. ALTER-EU believes that these two issues are inextricably linked and should therefore be discussed together. ALTER EU remains committed to engaging constructively in this debate.

The Communication also suggests a discussion on a possible Common Code of Conduct for all lobbyists in Brussels. ALTER-EU firmly believes that there is a pressing need for clear and mandatory rules. Experience elsewhere strongly suggests that voluntary measures will not ensure meaningful transparency. However, we are open to all discussions on the basis of a genuine commitment to boost transparency and ethics in lobbying on the European level. We believe that the outcomes of these debates will only attract widespread support if a number of confidence building conditions are met.

1) The European Commission should clearly engage in the debate on a Code of Conduct and a registration system for lobbyists by:

- a. chairing and facilitating the process/debate
- b. taking responsibility for the implementation of possible outcomes
- c. taking responsibility for applying sanctions in case of non-compliance with possible outcomes

We very much doubt that the diverse lobbying sectors (ranging from commercial public affairs firms, consultants, law firms and industry associations, to trade unions and non-profit NGOs) could credibly develop a Code of Conduct that ensures lobbying transparency and probity for their interactions with the European Institutions. The leadership of the Commission is necessary to drive the process to any meaningful outcome. We also see a crucial role for the Commission in applying sanctions in cases of non-compliance.

The sanction mechanisms of existing codes of conduct for lobbying associations (with expulsion from the association as the ultimate sanction) are not effective to ensure compliance and foster public trust. We believe that administrative sanctions from the Commission (which could range from public listing of non-compliance to limitations on access to Commission officials) could help ensure the necessary compliance. It is also vital that the Commission plays a role to ensure that those lobbyists who do not voluntarily join any lobbying associations are in some way subject to an official register and code.

We suggest that stakeholder events on the 'European Transparency Initiative' must be accessible for European civil society at large and the Commission should consider funding travel costs to enable stakeholder participation from outside Brussels.

2) The debate be limited in time

We are in favor of a focused and time limited consultation process. Firstly, because steps need to be taken very soon in order to end lobbying secrecy and to increase public trust in EU decision making processes. Secondly, an extended process requires human and financial resources that most civil society groups are unable to provide. An unnecessarily protracted debate would result in the exact opposite of what we want to achieve - equal opportunity for different stakeholders to take part in the debate. Therefore, ALTER-EU would like to propose a deliberative process that runs over a defined period and a limited number of meetings.

3) The debate should address the Commission's consultation practices

ALTER-EU considers it crucial that the debate should also focus on the role of the Commission. An extended Code of Conduct for the Commission should address issues such as applying the Commissioner's Code of Conduct to senior officials and how to ensure equal access for all relevant stakeholders (not simply business interests).

Ideally, the debate should also explore options for ensuring improved transparency around lobbying activities towards the European Parliament and the European Council. However, such a wider debate should not prevent the Commission from improving its Code of Conduct and the enforcement of its Code, now.

In several speeches last year Commissioner Kallas emphasised the need for greater transparency. In Nottingham Mr. Kallas stated 'Organisations, groups or persons in the ambit of European institutions which offer advice, represent clients, provide data or defend public causes should also be accountable. People [should be] allowed to know who they are, what they do and what they stand for'. In a subsequent interview Mr. Kallas said that 'What is needed is more visibility [of lobbyists], who is doing what'.

The forthcoming debate on the ETI should therefore be centred on two main objectives:

- **How can the public be properly informed about 'who is lobbying on what issues, on behalf of whom, and who is financing these lobby activities?'**
- **How can equal access for different stakeholders to European decision-makers be ensured?**

In this debate, ALTER-EU will have an open approach on how these objectives can be realized. The Communication to the Commission mentions a wide range of possible measures. ALTER-EU is looking forward to discuss any Commission proposals that are directed towards meeting these important goals.

As additional input to the drafting of the Green Book, we have enclosed a document listing specific recommendations that we think will help improve transparency and ensure equal access for all interests in European decision making processes. We hope you will consider these suggestions in the spirit in which they are offered: as concrete proposals from a wide range of concerned European citizens and groups to improve democratic accountability and to help build confidence in the probity and equity of the European policy process.

Yours sincerely,

Paul de Clerck

On behalf of
ALTER-EU Interim Steering Committee

Dr. William Dinan (Strathclyde University)
Ulrich Müller (LobbyControl)
Jorgo Riss (Greenpeace European Unit)
Erik Wesselius (Corporate Europe Observatory)
Paul de Clerck (Friends of the Earth Europe)