

ALTER-EU Briefing: Review of revolving door rules in the Staff Regulations



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Staff Regulations - state of play

The Staff Regulations,¹ which govern the EU institution staff, contain some limited provisions on conflicts of interest, including from post-employment activities (Articles 11, 12 and 16). These do not however go far enough in preventing the risk of actual or apparent conflicts of interest that arise through the revolving door – when public officials leave office and go to work in private sector lobby jobs, often in the same areas they were responsible for when in office, or vice-versa. There have been many high-profile revolving door cases, where these rules, or their implementation, have proved to be too weak.² Several ALTER-EU groups have taken the Commission to the European Ombudsman over its systemic failure to properly implement its own revolving door rules. This is now being investigated by the Ombudsman, who will analyse all revolving door cases from the last three years.³

Review process

The Staff Regulations are currently under review. Following a proposal by the Commission in December 2011, the European Parliament's Legal Affairs (JURI) committee agreed, in spring 2012, on compromise amendments that go some way to strengthening the revolving door rules.⁴ Although the review has been much delayed, pending clarity on how the next multi-annual financial framework (MFF) would impact the regulations, it remains vital that when the dossier enters triadialogue, MEPs fight to keep these provisions in the text, and to get them through plenary.

But as Dalligate - the recent cash-for-access tobacco lobby scandal - revealed, revolving-door cases can have far-reaching effects.⁵ Moreover, the Commission's reappointment of a high-profile revolving door case to the ad hoc ethical committee shows that the Commission is still failing to take the risk of conflicts of interest seriously. Stronger and better-implemented rules remain urgently needed.⁶

More needs to be done

ALTER-EU believes that blocking the revolving door, and preventing the detrimental impacts it has on public-interest decision making through the blurring of the interests of the *regulated* with the *regulator*, requires:

- A **mandatory cooling-off period (or ban) of at least two years** for all EU institution staff members entering new posts which involve lobbying or advising on lobbying, or any other role which provoke a conflict of interest with their work as an EU official;
- **Tackling the loopholes** in the current rules, including the exclusion of staff on (temporary) contracts;
- **Proper scrutiny** of all staff joining EU institutions for potential conflicts of interest. Where there is a potential conflict of interest between their old job and their new EU role, those persons must recuse themselves from such matters;
- Ensure sufficient resourcing to be able to **investigate and monitor** revolving door cases;
- **Publish a full and updated list** of all revolving door cases on EU institutions' websites.

1 See: <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/0455%28COD%29>

2 See ALTER-EU Block the Revolving Door report: www.alter-eu.org/sites/default/files/altereu_revolving_doors_report.pdf and Corporate Europe Observatory's Revolving Door Watch <http://corporateeurope.org/projects/revolvingdoorwatch>

3 For more details on the ombudsman's investigation into the Commission's handling of the revolving door, see: <http://corporateeurope.org/blog/commissions-refusal-block-revolving-door-triggers-ombudsman-complaint> and <http://www.alter-eu.org/press-releases/2013/02/14/ombudsman-investigates-conflicts-of-interest-via-revolving-door>

4 Namely, Amendment 24 - introducing a specific duty on EU institutions to scrutinise all incoming officials and returning sabbaticals for conflicts of interest - and Amendment 25, introducing a 12-month cooling-off period on officials leaving the EU institutions and wishing to take up lobby jobs in areas where they previously had responsibility. It would ban officials on sabbatical from engaging in any lobbying activity, and would demand the institutions are more transparent about revolving door cases and how they handle them. See: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bREPORT%2bA7-2012-0156%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

5 See ALTER-EU Lessons from Dalligate: <http://www.alter-eu.org/sites/default/files/ALTER-EU%20Lessons%20from%20Dalligate.pdf>

6 See: <http://corporateeurope.org/pressreleases/2013/european-commissions-petite-problem-investigated>