



## Half measures will not end revolving doors scandals around former EU Commissioners

### ALTER-EU comments on leaked draft Code of Conduct for Commissioners

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**The European Commission's new draft Code of Conduct includes a number of improvements, but fails to effectively tackle the revolving doors problem. The changes announced are too weak to prevent potential conflicts of interest when ex-Commissioners take up new roles. Therefore, it is crucial that the European Parliament substantially improves the draft Code of Conduct.**

ALTER-EU's main comments are:

- The Commission proposes to extend the notification period to 18 months (from the current 12 months) to deal with the problem of potential conflicts of interest. Instead of this tiny extension, it would be logical to introduce a three-year period during which ex-Commissioners must get permission for new jobs to correspond with the three year period during which ex-Commissioners are entitled to a transitional allowance. This system of generous allowances was criticised last autumn but the Commission defended it, saying that it safeguards the independence of Commissioners as it means they are not under pressure to take employment that could result in a conflict of interest.
- As in the current Code, only activities related to an ex-Commissioner's portfolio are to be assessed and there is no definition of conflicts of interest. This narrow approach (limited to the Commissioner's portfolio) ignores the fact that the Commission takes decisions collectively, which means that Commissioners are involved in decisions on issues that go beyond their own portfolio.
- In addition to the above-mentioned general procedure, the Commission has said that former Commissioners will be explicitly banned from lobbying and advocacy. This is a very positive step, but the ban only applies for 18 months and only covers issues within the ex-Commissioner's former portfolio.
- The draft Code does not define lobbying, but presumably the definition from the Commission's Transparency Register (Register of Interest Representatives) will apply. This is important to clarify in the Code.
- The text on 'post-term activities' in the Code is vague on many key issues, including the composition and functioning of the Ad-hoc Ethical Committee, which assesses potential conflicts of interest. Commissioner Šefčovič told MEPs in November that the membership of the much-criticised Ad-hoc Ethical Committee would be broadened, but this is not mentioned in the draft. Šefčovič also said that the Committee's recommendations and its justification should be published, just as the new mandate for the Committee's work, but the draft code does not mention any such improvements in transparency.

- ALTER-EU welcomes the stricter new rules on ‘hospitality’ (following reports of Commissioners enjoying holidays on millionaire’s yachts) and the ban on spouses and partners serving as Cabinet members (Commissioner Günter Verheugen’s partner Petra Erler served in his Cabinet).

The draft Code of Conduct has been released ahead of any decision on whether ex-Commissioner Verheugen can continue running his own lobby consultancy firm (the European Experience Company). An investigation was launched 18 weeks ago. In the meantime the ex-Commissioner continues his activities for the firm. The new Code of Conduct should make it clear that it is unacceptable for an ex-Commissioner to go straight into lobby consultancy work; the Commission’s draft text fails to do so.

ALTER-EU is calling for the following key improvements and clarifications to be included in the new Code of Conduct:

- The lobby ban and notification period must be extended to three years.
- Lobbying *and lobbying advice* should be off-limit for all issues, not just those that were in the former Commissioner’s portfolio. This is the only way to prevent ex-Commissioners from being hired by large companies and their lobby groups for their inside information and contacts acquired in public office, boosting corporate access and influence.
- The advice of the Ad-hoc Ethical Committee and the Commission’s decisions regarding post-Commission employment should be made public.
- There should be safeguards to ensure that the Ad-hoc Ethical Committee is fully independent from the lobby sector and is composed of experts on public administration ethics, (such as academics and national government ethics regulators). The Committee should actively scrutinise possible conflicts of interest, instead of relying on the statements of former Commissioners that their new jobs do not involve lobbying.
- There should be a clear definition of ‘conflict of interest’ in the Code and an explicit reference to the definition of lobbying as used in the Commission’s lobby register.

ALTER-EU published a ten-point set of detailed recommendations for the new Code of Conduct in October 2010, including how to create a three-year cooling off period and introduce effective safeguards against conflicts of interest: <http://www.alter-eu.org/documents/2010/10/20/alter-eu-recommendations-on-commissioners-code-of-conduct>

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*The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) is a coalition of over 160 public interest groups, trade unions, academics and public affairs firms concerned with the increasing influence exerted by corporate lobbyists on the political agenda in Europe, the resulting loss of democracy in EU decision-making and the postponement, weakening, or blockage even, of urgently needed progress on social, environmental and consumer-protection reforms.*

<http://www.alter-eu.org>