

**From:**  
**ALTER-EU**  
**The Alliance for Lobbying Transparency and Ethics Regulation**  
**Rue d'Edimbourg 26**  
**1050 Brussels**



**To: Members of the Bureau of the European Parliament**

**23 January 2012**

**Re: Implementation measures of the new code of conduct for MEPs – recommendations and request for a meeting**

Dear President Schulz, dear MEPs,

In December last year, President Buzek's proposal for a new code of conduct for Members of the European Parliament (MEPs) was approved in plenary by the European Parliament. The Alliance for Lobbying Transparency and Ethics Regulation in the EU (ALTER-EU) welcomed this vote as a positive step forward.

As the Bureau has been mandated to set up the implementation rules for the new code, we would like to draw your attention to some important questions and remaining issues to consider while elaborating those. As you are aware, strict and clearly defined implementation measures are absolutely essential to ensure that momentum can be built upon the cross-party consensus behind the code, and to make it a practical tool in promoting ethical behaviour among MEPs. We hereby submit ALTER-EU's recommendations for the implementation of the new code, and would like to ask for a meeting with President Schulz and/or any other Member of the Bureau following this matter.

The importance of effective implementation of the code, including clear definitions, became evident last week when a news media reported that the CEO of the Finnish Chamber of Commerce intended to take the seat as MEP from March 1st, without giving up the job as chair of the lobby group<sup>1</sup>. It was reported that legal experts from the European Parliament had indicated to him that this would be in line with the new code. We would strongly disagree with this view: an MEP being employed by a lobby group is a direct violation of articles 1, 2 and 3 of the code. The code spells out the obligation to act solely in the public interest and to avoid any *"personal interest that could improperly influence the performance"*. It moreover rules out MEPs *"receiving any direct or indirect financial benefit or other reward in exchange for influencing"*. Being employed by an industry lobby group contradicts these important principles. It should be remembered that the cash-for-amendments scandal was about MEPs holding second jobs as lobbyists for outside interests. We encourage you to take the necessary measures to ensure that jobs that imply conflicts of interest are effectively ruled out as the code enters into force.

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<sup>1</sup> <http://euobserver.com/843/114946>

In order to guarantee effective application of the code as well as monitoring and sanctioning abuses, ALTER-EU believes that the following points will be key:

### **MEPs' declarations of interest**

Declarations of interest are currently filled in manually by MEPs, before being scanned and published as PDF-format documents, under each Member's section, on the Parliament website. This makes it unpractical and unreliable for several reasons: they are not always easily readable; they are written in the MEP's native language and not always understandable; the PDF format does not allow for an easy search; and they cannot be accessed from a single entry point.

ALTER-EU recommends that the Bureau considers a serious overhaul of the current system, including:

- The adoption of a standard electronic format for the new declarations of interest with a clear form, which should be published in a single location, via a database. The database should be accessible online and easy-to-search, and updates should be marked clearly;
- The Parliament should allocate enough resources for the translation of the declarations filled in community languages (into at least one common language which we consider should be English).

In view of implementing the new code, ALTER-EU recommends that the Bureau clarifies the following:

- Which part of the Parliament will be in charge of monitoring and processing the declarations? How will the system work?
- How often will MEPs be reminded they need to update their declarations and how will the monitoring take place?
- Will the Parliamentary authorities be informed that MEPs cannot be appointed to certain roles if a declaration has not been completed properly?
- The code mentions 30 March as the deadline for MEPs to update their declarations: does this mean that all declarations are going to be updated and available in the new format by 30 March? Or that 30 March is the deadline for collection of the declarations, which will then still need to be processed and published by the Parliament's administration? In this case, when will the new declarations be publicly available?

### **New ethics advisory committee**

ALTER-EU welcomes the setting-up of an advisory committee and recommends that there be full transparency around its work.

- As a basic requirement, names of all the members and staff and full contact details of the committee should be made available to the public.
- As regards the work of the committee, we consider that minutes of each meeting should be proactively published as well as the list/number of cases investigated, and the result of each investigation.

Important clarifications need to be provided on the working process of the new advisory committee:

- How will the committee assess potential violations?
- What resources and capacity will be allocated to its members? Will the committee have a secretariat to support their work?
- Will the committee be able to make recommendations for an improvement in the available sanctions in the future?

### **Activities of former Members**

The new code states that “Former MEPs who subsequently work as lobbyists in a field directly linked to EU affairs will not benefit from the facilities otherwise provided, during the time of such activity”.

ALTER-EU recommends that:

- All former MEPs holding parliamentary access passes should be proactively informed about this via a letter and clear definitions used.
- The Parliament should make full transparency about whose passes have been withdrawn on the Parliament website.
- All former MEPs with passes withdrawn should be urged to join the lobby register.
- Lobby consultancies and industry groups in Brussels should be written to in order to clarify the new rules, as they often recruit former MEPs.
- The Bureau should clarify how it intends to enforce the rules about former MEPs, ensure that sanctions are taken in case of breach of the rules and that there is a complaint mechanism, open to the public, and through which potential abuses will be dealt with in a transparent way.

### **Role of the new Parliament President**

The new code gives significant power to the new President of the European Parliament, both in terms of implementation and monitoring of the code. ALTER-EU urges Mr Martin Schulz, the new elected President, to make sure the implementation of the code remains a political priority. In particular he should:

- Commit to devolve sufficient power and resources to the appropriate parliamentary departments to investigate and monitor cases of potential conflicts of interest and to apply sanctions as appropriate;
- Explain what criteria he will use to decide on which cases should be considered by the advisory committee;
- Clarify whether and how members of the public will be able to complain if they have evidence about an MEP in breach of the rules.

Finally ALTER-EU recommends that the Bureau makes the implementation measures of the new code of conduct public, by placing them on the website of the European Parliament.

Thank you for considering our questions, concerns and recommendations in this important endeavour. We are looking forward to meeting with you in order to further discuss these with you. Should you need any further clarification, please do not hesitate to contact us.

Yours sincerely,

Natacha Cingotti  
On behalf of the ALTER-EU Steering Committee

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