

The Alliance for Lobbying Transparency and
Ethics Regulation in the EU (ALTER-EU)
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Open letter

Brussels, 7 December 2010

To: Commissioner Maroš Šefčovič, Vice-President Inter-Institutional Relations and
Administration European Commission

Dear Vice-President Šefčovič,

We are writing to follow up on the letter of August 31 from Friends of the Earth Europeⁱ, member of ALTER-EU, regarding former Commissioner Verheugen's potential conflict of interest. In April this year, Mr. Verheugen set up his lobby consultancy 'The European Experience Company' without seeking prior approval from the Commission, despite a clear requirement to do so. Moreover the European Experience Company was not mentioned in the positions listed by Mr. Verheugen for review and approval by the Ad Hoc Ethical Committee in July 2010ⁱⁱ, despite an explicit request to him to 'inform the Commission at your earliest convenience of various activities that you may consider within the year'ⁱⁱⁱ.

After media criticism about the European Experience Company, Mr. Verheugen finally informed the Commission about his consultancy. The Commission's ethical committee was asked to advise if Mr. Verheugen's role in this company is in compliance with the Code of Conduct for Commissioners as well as article 245(2) of the Treaty of the Functioning of the European Union (TFEU).

ALTER-EU believes that Mr. Verheugen's relationship with the European Experience Company constitutes a breach of the Code of Conduct. The Company promotes 'expertise and vast experience in the area of EU policy and foreign affairs; creative solutions and the best strategy for your success in dealing with European institutions'^{iv}. Its website mentions a number of activities^v that fall in the scope of the European Commission's own definition of lobbying as 'activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions'. The European Experience Company clearly provides services that support lobbying and access to decision-makers. In the light of these facts, our letter in August asked you not to approve that request.

We are writing to you to reiterate our concerns and query why the Commission is taking so long in dealing with this case. More than three months have passed since Mr. Verheugen informed the Commission about his new job. The European Experience Company has been operating for more than eight months. The case has received attention from a number of stakeholders: the Commission has received critical inquiries from the media, and MEPs have mentioned this case as an illustration of the need to strengthen the code of conduct for Commissioners. In addition more than 50,000 citizens have signed on to a petition urging an end to former Commissioners from taking up lobbying roles in the private sector.

Meanwhile, Mr. Verheugen continues his work with the European Experience Company, an

activity which is most likely to be non-compliant with the TFEU. This case underlines the need for the new Code of Conduct to have clear definitions and procedures preventing conflicts of interest of former Commissioners. We would be grateful if you would update us on the status of the inquiry:

- Has the Ad-hoc Ethical Committee finalised its recommendations?
- Has the College of Commissioners made a decision?
- Has Mr. Verheugen been asked to terminate his relationship with the lobby consultancy?

This case has rightly attracted scrutiny and many legitimate questions were raised about the integrity of the Commission's procedures and the probity of ex-Commissioners remains unanswered. If the Commission is serious about transparency and ethics reforms it needs to act, and been seen to act, decisively on such matters. We therefore urge you to come to a conclusion in this case before the end of the year, and to widely publicise and disseminate your findings. We would also hope that under the new regime for dealing with such conflicts there would be no need for organisations like us to have to write to you in order to be kept informed. While it is right that due care and diligence is taken in the investigation of conflicts, it is also important that there is public awareness and accountability in relation to such matters.

We look forward to hearing from you soon on this pressing issue.

Yours sincerely,
Paul de Clerck



On behalf of the ALTER-EU Steering Committee

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William Dinan (Spinwatch)
Marc Gruber (European Federation of Journalists)
Nina Katzemich (LobbyControl)
Jorgo Riss (Greenpeace European Unit)
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ⁱ <http://www.foeeurope.org/corporates/pdf/Letter%20to%20Commission%20on%20Verheugen%20August%2031.pdf>

ⁱⁱ Note from Hubert Sztaszewski, Secretariat General, to the Members of the Ad Hoc Ethical Committee, 7th May 2010

ⁱⁱⁱ Letter from Hubert Sztaszewski, Secretariat General, to Mr. Verheugen, 22 April 2010

^{iv} <http://www.european-experience.de/english>

^v Briefing sessions and written briefings for top leaders of public and private institutions and enterprises; Intensive management seminars for institutions and enterprises in cooperation with experts from European institutions; Analytical background and strategy recommendations in the area of EU-policy and other political matters; Support for your public relation endeavours in European affairs (speeches, media events, publications)