

Commissioners' Code of Conduct

MEP Grässle: Draft only “half step forward”

By Gaspard Sebag | Thursday 20 January 2011

A draft version of the European Commission's Code of Conduct, obtained by *Europolitics*, proposes certain improvements with regard to potential conflicts of interest concerning commissioners but does not bring radical changes to the rules. Ingeborg Grässle (EPP, Germany), who was appointed to conduct a thorough study on the current code, qualified it as “half a step forwards”. Post-term lobbying should be completely banned for a period, even if it is very short, according to her.

Last autumn, reports in the media highlighting potential conflicts of interest concerning ex-commissioners had sparked calls from both the European Parliament and various NGOs to toughen the EU executive's Code of Conduct. This was due to be finalised by the end of 2010 but as of now it appears it will not be out before the end of February at the earliest. Indeed, the EP's Conference of Group Presidents is due to review the draft of new rules and send its comments back to the Commission in February. In the end, whatever the EP's feedback may be, the Commission will have the final say.

According to the draft, former commissioners will have to notify the Commission “in good time” if they intend to engage in an occupation during the eighteen months after they have ceased to hold office – thus extending this period by six months compared to the current set of rules. During that time, ex-commissioners are explicitly banned from lobbying and advocacy “on matters they have been responsible for within their portfolio”.

“FULLY-FINANCED CLEAN CUT”

“The problem is that lobbying is still possible,” said Grässle. She is in favour of a “fully-financed clean cut”. She does not call for a longer cooling-off period but simply a period of between six and 18 months, during which no lobbying at all is possible. The Alliance for Lobbying Transparency and Ethics Regulation in the European Union (ALTER-EU) also feels the lobbying ban should not apply exclusively to the domain of competency of the ex-commissioner as all are involved in decisions on issues that go beyond their own portfolio due to the collegiate nature of the EU executive. ALTER-EU also renews its call to extend to three years, from 18 months, the period during which lobbying is banned. The NGO platform's justification for that demand is that a three-year stint would match the period during which ex-commissioners are liable to transitional allowances.

The question of these allowances, for which the EU executive came under fire last autumn, has not been dealt with, according to Grässle. “Why do we pay for the Lithuanian president?” asks the German MEP in reference to Dalia Grybauskaite (see box). Back then, the Commission had stood by the transitional allowances, arguing that “the aim of this system is to ease [the ex-commissioners'] return to the labour market, to maintain their independence after their time as commissioner”. It can be expected that the Commission will hold the same line of defence. Grässle, for her part, believes that any former commissioner who has found a job should not be entitled to the transitional allowance at all.

The new draft Code of Conduct makes no mention of broadening the membership of the ad-hoc Ethics Committee, in charge of issuing opinions about potential conflicts of interest. Both Grässle and ALTER-EU were disappointed that despite a pledge to do so from Administration Commissioner Maros Sefcovic, there has been no follow-through yet. Sefcovic also said that the committee's recommendations and its justification should be published but the draft code does not include any such reference.

Grässle mentions with satisfaction certain improvements present in the draft code, for example the stipulations relating to commissioners' travels, but feels overall that the current draft does not bring about the necessary changes. ALTER-EU welcomes the stricter new rules on ‘hospitality’, implicitly mentioning scandals, such as the ‘yacht-gate’, which involved Commission President José Manuel Barroso going on holiday with Greek billionaire Spiros Latsis, in 2005. The transparency platform also reacted positively to the ban on spouses and partners serving as cabinet members, clearly content that practices, such as ex-Commissioner Günter Verheugen's partner Petra Erler serving in his cabinet at the time, will not be possible any more.

Transitional allowance

A transitional allowance is paid to former commissioners for three years, beginning on the day after leaving office. This allowance is between 40% and 65% of the final basic salary (20.278,23 euro per month for a commissioner and up to 24.874,62 euro for the president), depending on the length of service.

If the former commissioner takes up any new gainful activity, the amount of the new job's salary, added together with the allowance, cannot exceed the remuneration as a member of the Commission.

Seventeen former commissioners receive such allowance. They are:

Jacques Barrot – member of the French Constitutional Council

Joseph Borg – special advisor for public affairs consulting firm FIPRA

Stavros Dimas – vice-president of Greek opposition party New Democracy

Jan Figel – minister for transport, post and telecommunications of Slovakia

Mariann Fischer Boel – retired

Franco Frattini – minister of foreign affairs of Italy

Dalia Grybauskaite – president of Lithuania

Danuta Hübner – member of the European Parliament

László Kovács – member of the Hungarian parliament

Markos Kyprianou – minister of foreign affairs of Cyprus

Peter Mandelson - chairman of Global Counsel LLP offering strategic advice to European firms

Charles McCreevy – member of the Board of Directors of Ryanair

Louis Michel – member of the European Parliament

Leonard Orban – advisor to the Romanian president

Pawel Samecki – advisor to the Polish National Bank (NBP)

Meglena Kuneva – member of the Board of Directors of BNP Paribas

Vladimir Spidla – writer