

From:

ALTER-EU

The Alliance for Lobbying Transparency and Ethics Regulation
Rue d'Edimbourg 26
1050 Bruxelles



To:

Juraj Nociar
European Commission
1049 Brussels
Belgium

Brussels, 17 January 2012

Re: lack of transparency around Commission decisions on revolving door cases

Dear Mr Nociar,

Thank you for letter of 20 December, in which you respond to my letter of 12 September 2011 to Commissioner Šefčovič about the lack of transparency around the Commission's decisions on revolving door cases. We originally wrote to you as Corporate Europe Observatory, but since then a broader campaign for stricter revolving door rules was launched by the ALTER-EU coalition (of which my organisation is an active member). I therefore write this reply on behalf of the ALTER-EU Steering Committee. I would be grateful if you could bring this letter to the attention of Commissioner Šefčovič.

In your letter you say that the Commission “already ensures far-reaching transparency in the application of Article 16 of the Staff Regulations”. How is this so? It seems to us there is very little transparency on this issue, let alone proactive transparency. The limited number of revolving door cases about which information is in the public domain are mainly due to the research efforts of NGOs from the ALTER-EU coalition. When a revolving door case is known, one can use regulation 1049/2001 to try to find out about the specific approval procedure in that case, but for the rest, the Commission's approach in this area can best be described as a black box.

You mention that legal sanctions are available when approval is not sought by applicants under Article 16. We know of a number of cases where authorisation was not sought by the individual concerned until CEO raised the issue with the Commission. What sanctions are available to you in these circumstances and have they ever been applied?

You say that individuals can request information on specific cases under 1049/2001. Our experience shows that the Commission does not currently take a coherent approach to releasing documents in this area. On Gestdem 2011-5375 relating to Magnus Ovilius (tabled 19 October 2011) for instance, the information requested has not yet been released to us. We have had to provide a rationale of why this information should be released to us and this remains unresolved.

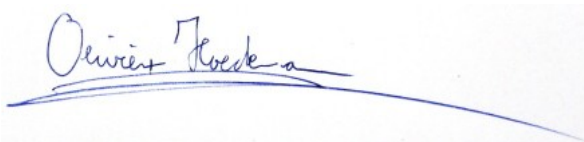
You highlight that the revolving door register in the UK only applies to the highest rank of officials. This may be the case, but this is still vastly better than the Commission which does not publish any list of any sort. The UK example shows that it is possible to publish a list of revolving door cases without it impinging upon an individual's privacy. While the UK situation is not perfect, it is certainly a step in the right direction.

You say that names and first names are considered personal data. But, we are also only talking about people in their professional capacity which has an important bearing in this matter. You already publish names and first names via the staff directory and we do not see why the Commission could not set up a proactive transparency approach in relation to Article 16 cases, by introducing an online register of revolving doors decisions.

Your final line in the letter was very interesting "The commission attaches great importance to the respect of Article 16 of the Staff Regulations and will carry out any review of its internal procedures in this regard with great care". This provokes several questions: when was the operation of Article 16 last internally reviewed? What were the conclusions and is this publicly available or can we submit an access to documents request to receive it? What are the plans for future reviews? If none are planned, what will be the trigger for a future review? On what basis would a review happen, considering that the Commission does not keep an internal registry of Article 16 cases and thus presumably could not really conduct an accurate and effective overview?

Thank you in advance for your response to these questions. As we are awaiting a response to the letter which ALTER-EU sent Commissioner Šefčovič on 24 November, it might be an option to integrate the response to both letters into one reply from Mr Šefčovič.

Yours sincerely,

A handwritten signature in blue ink that reads "Olivier Hoedeman". The signature is written in a cursive style and is underlined with a long, sweeping horizontal line.

Olivier Hoedeman

on behalf of the ALTER-EU Steering Committee