



# Whose representatives?

MEPs on the industry payroll



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## MEPs on the industry payroll

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# Introduction

In this report we focus on nine Members of the European Parliament (MEPs) whose side jobs or outside interests, in our view, give rise to concerns over potential conflicts of interest. Pursuant to Article 3 of the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest, “A conflict of interest exists where a Member of the European Parliament has a personal interest that could improperly influence the performance of his or her duties as a Member.”<sup>1</sup> We express the belief that any MEP in the pay of commercial organisations directly or indirectly involved in influencing EU decision making, at the best will not be perceived as maintaining “disinterest” (“disinterest” being one of the Guiding Principles in Article 1 of the Code) and at worst may actually come under commercial influence. In this report we highlight the risk of actual or perceived conflicts of interest developing and call for changes to the Code including a complete ban on side jobs with companies or groups involved in EU lobbying.

We take a special interest in MEPs employed by companies or groups lobbying in Brussels on the same issues that they are involved in regulating. These include MEPs sitting on the Committee on Economic and Monetary Affairs who are on the payroll of banks, investment and insurance firms, or providing financial consultancy services; MEPs on the Industry, Research and Energy Committee who are in the pay of big business lobbies or heavy industry; and, an MEP on the Environment Committee advising an energy company. We document cases of MEPs who are also chief executives or chairs/members of boards of companies that lobby the EU or whose area of interest they are active on in Parliament.

Four years on from the 2011 ‘cash for amendments’ scandal in the European Parliament, and three years after the Code of Conduct for MEPs was adopted, many MEPs continue to declare side jobs or outside interests that may give rise to potential conflicts of interest. Concerns over the outside interests of some of the MEPs detailed in this report, such as those of Rachida Dati and Nirj Deva, have been previously highlighted, whilst others are being flagged up for the first time. Other than the vague requirement to provide information “in a precise manner” in Article 4 (2) of the Code, MEPs are not explicitly obliged to provide detailed information in their DoFIs. As a consequence there are significant inconsistencies in the level of detail which individual MEPs choose to provide.

We are calling for a review of the Code to oblige MEPs to supply much more detailed information in their DoFIs. Stricter disclosure requirements are needed not only to ensure transparency in relation to potential conflicts of interest and/or potential undue influence but also to avoid such conflicts actually developing, and if they do, ensure they are resolved. Furthermore, we share the view outlined in ALTER-EU’s March 2015 briefing ‘Ten policy recommendations for a strengthened MEP Code of Conduct’, that the risk of conflict of interest can only be achieved through a ban on side jobs with companies or groups that are involved in EU lobbying, as well as tighter disclosure requirements for outside financial interests, a strengthened ethics

advisory committee, stricter enforcement and stronger sanctions for violations of the Code.<sup>2</sup>

Section 1 of this report is split into two parts: Section 1.1 looks at DoFI’s which raise more questions than they answer, due to vague or ambiguous declarations, and Section 1.2 looks at MEPs whose declared side jobs or outside interests raise concerns about potential conflicts of interest. The latter examines the financial interests declared by five MEPs which have not previously been publicly scrutinised. For reasons which we set out, we believe that in these cases the financial interest of the MEP *could* affect the performance of their duties. The five MEPs are: Michał Boni, Birgit Collin-Langen and Dariusz Rosati from the centre-right European People’s Party (EPP), Renato Soru from the centre-left Progressive Alliance of Socialists and Democrats (S&D) and Guy Verhofstadt from the Alliance of Liberals and Democrats for Europe (ALDE).

Section 2 of this report examines the financial interests of four MEPs which, despite having attracted controversy in previous years, are ongoing: Rachida Dati, Paul Rübig and Bendt Bendtsen from the EPP and Nirj Deva from the European Conservatives and Reformists (ECR).

At the end of this report we offer our ‘Conclusions and recommendations’ about what we think needs to change.

# Class of 2014 - 2019:

## Some financial declarations raise more questions than they answer, others raise questions about potential conflicts of interests

The 2014 - 2019 European Parliament is the first to begin its mandate with a Code of Conduct for MEPs in place, and the requirement to declare all financial interests in a declaration of financial interest (DoFI). But is the Code sufficiently stringent, and is it having the desired effect?

This section looks first (Section 1.1) at MEPs whose DoFI's – whilst compliant with the rules – contain such little information and/or use such vague terminology that they raise more questions than they answer, and secondly (Section 1.2) at those whose declared side jobs or outside interests in our view raise concerns about potential conflicts of interest.

Table 1

MEP	Party	Country	Who are they working for?	Relevant committee positions
<b>Michał Boni</b>	EPP	Poland	Expert/advisor for polish big business lobby <b>Lewiatan</b> , which is member of BUSINESSEUROPE	Substitute on energy and industry committee
<b>Renato Soru</b>	S&D	Italy	President/ CEO of <b>Tiscali</b> SPA, Italian internet and telecommunications company	Member of economic and financial affairs committee and substitute on energy and industry committee
<b>Birgit Collin-Langen</b>	EPP	Germany	Member of advisory board for German energy company <b>RWE</b>	Member of the environment committee
<b>Guy Verhofstadt</b>	ALDE	Belgium	Committee/board memberships of shipping group <b>Exmar</b> Belgium and of investment and holdings company <b>Sofina</b>	/
<b>Dariusz Rosati</b>	EPP	Poland	Member of the supervisory board of <b>Bank Millennium</b> , Poland, and of the advisory board of global investor and asset manager <b>Meridiam</b>	Member of economic and financial affairs committee and substitute on internal market/ consumer protection committee

# More questions than answers

After trawling through the DoFIs of MEPs that declare some outside activity or role,<sup>3</sup> it became clear that many declarations contain too little information or information which is too vague to easily determine if potential conflicts of interests exist. This, we believe, highlights a problem with the inadequate declaration rules and the monitoring of MEP DoFIs.

It is not uncommon – and is currently permissible – for MEPs simply to state that they work as a “consultant”, “expert”, “self-employed”, or similar, without stating which entities they provide the services to, or stating precisely what the services are. For example:

- UK ECR MEP Timothy Kirkhope declares €500 to €1000 per month as a “Business Consultant”;<sup>4</sup>
- Croatian Greens/European Free Alliance MEP Davor Škrlec declares €1001 to €5000 per month from “Expertise”;<sup>5</sup>
- Bulgarian EPP MEP Svetoslav Hristov Malinov declares under €500 a month from “Providing expert services”;<sup>6</sup> and,
- non-aligned French MEP Aymeric Chauprade (Front National) declares €1001 to €5000 per month from being “self employed”.<sup>7</sup>

In his DoFI dated 25 June 2014, Steven Woolfe, a Europe of Freedom and Direct Democracy (EFDD) MEP from the UK elected in May 2014, declares regular outside activity as a “Consultant”, earning him €1001 to €5000 per month.<sup>8</sup> This vague job description – although not uncommon – caught our eye in conjunction with a statement on Woolfe’s own United Kingdom Independence Party (UKIP) website. Until we made inquiries of his office on 13 May 2015 the website stated that whilst Woolfe was formerly “a lawyer in the City of London and spent the past few years as general counsel for hedge fund managers”, he “now acts as a legal and regulatory consultant to financial institutions.”<sup>9</sup> Following our inquiries this was amended to “previously acted” as a financial consultant. However his office declined to confirm that he no longer acts as a consultant to financial institutions.

Woolfe is a member of the Committee on Economic and Monetary Affairs (ECON), which is responsible for the regulation of financial services. During an ECON debate in January 2015, in a speech concerning the proposed regulation of certain financial products, Woolfe argued that these products “have been created by market participants over years, and simply for the need to do something, or be seen to do something, you may end up kill[ing] the market... and drive it out of Europe”.<sup>10</sup> Given this, and his website’s recent statement to the effect that he acts as a consultant to financial institutions, we decided to write to Woolfe and ask him for more information about his work as a consultant. Mr Woolfe’s office however were reluctant to provide any detail, stating that “Consultancy contracts undertaken by Mr Woolfe as a consultant may or may not have continued or cease during the course of the past year and will be updated on the next MEP’s DoFI.”<sup>11</sup> Informing us that they

would update his UKIP website (which now reads that he “previously acted” as a financial consultant), Mr Woolfe’s office added that his DoFI is retrospective. Yet Woolfe’s DoFI lists “Consultant” under previous activity and under “regular remunerated activity which I undertake alongside the exercise of my office”. Although only one case amongst many, the difficulty of finding out what Woolfe’s role as consultant entails, including for what clients and on what regulatory matters, strongly indicates the need for more detailed declarations and better monitoring of DoFIs in order to achieve true transparency.

The vague or ambiguous declarations<sup>12</sup> made by many MEPs in their DoFIs, which leave the public with little idea whether an outside job or interest may or may not involve a potential conflict of interest, indicate the need for more stringent and specific details about activities declared in DoFIs. This should include more detailed descriptions of otherwise ambiguous job titles or categories such as “consultant”, including listing clients and the subject and nature of the consultancy service provided to each client. It is also our view, as the following sections will build upon, that the Code of Conduct should be updated to explicitly rule out advising or providing other lobby services to companies influencing the European Parliament, Commission and Council, including consultancy services.<sup>13</sup>

(C) “Pursuant to Article 4(2)(c) of the Code of Conduct I declare my regular remunerated activity which I undertake alongside the exercise of my office, whether as an employee or as a self-employed person:”

Activity	Categories of income <sup>2</sup>			
	1	2	3	4
1. Consultant		X		
2.				

<sup>2</sup> Any regular income Members receive in respect of each item declared shall be placed in one of the following categories:

1. EUR 500 to EUR 1000 gross a month;
2. EUR 1001 to EUR 5000 gross a month;
3. EUR 5001 to EUR 10 000 gross a month;
4. more than EUR 10 000 gross a month.

Steven Woolfe, DoFI, [http://www.europarl.europa.eu/me-pdf/124761\\_DFI\\_rev0\\_FR.pdf](http://www.europarl.europa.eu/me-pdf/124761_DFI_rev0_FR.pdf) (Original declaration –25/06/2014 – most recent version as of 27 March 2015)

# DoFIs revealing potential conflicts of interest

As well as many vague declarations, there are a significant number of MEPs whose DoFIs reveal side jobs for, or outside interests with, firms or groups that are lobbying at EU level, or have clear EU-level policy interests, which may give rise to potential conflicts of interest. Below, we take an in depth look at some of the MEP's whose DoFIs raise particular concerns: Michał Boni (EPP) Renato Soru (S&D), Birgit Collin-Langen (EPP), GuyVerhofstadt (ALDE) and Dariusz Rosati (EPP).

## Michał Boni

Michał Boni is Polish EPP MEP, who was elected to the European Parliament in 2014, and was formerly Polish Minister of Administration and Digitisation.<sup>14</sup> In his DoFI, Boni details under Committee and Board memberships that he is “hired as an expert / advisor” for PKPP ‘Lewiatan’, earning him €1001 to €5000 per month.<sup>15</sup> Polish Confederation Lewiatan is a powerful Polish business lobby group, and the Polish member of influential Brussels-based big business lobby and employers association BusinessEurope.<sup>16</sup> Lewiatan, “representing employers’ interests in Poland and in the European Union”, has a Brussels office which participates “actively in the works of *BUSINESSEUROPE* bodies... on all aspects of the EU economic policy, such as... improvement of competitiveness of European enterprises, reduction of the red tape and simplification of business-related regulations [etc]”.<sup>17</sup>

Both Lewiatan and BusinessEurope are signed up to the European Commission and European Parliament’s Transparency Register for Interest Representatives – more commonly known as the lobby register. Lewiatan declares 8 lobbyists and a lobby expenditure of €50,000 to €99,999 in 2013,<sup>18</sup> whilst BusinessEurope declares 29 lobbyists and a lobby expenditure of €4,000,000 to €4,250,000 in 2014.<sup>19</sup> Lewiatan’s direct members include Google, Boeing, Alstom, tobacco giants BAT and Phillip Morris, Polish telecommunications firm Polkomtel and insurance firm PZU.<sup>20</sup> Its promotional material boasts that it has a ‘Black List of Barriers’: “Every year, we submit a list of major law barriers in specific industries. We convey the list to decision-makers who use it for drafting law amendments.”<sup>21</sup>

Michał Boni is a substitute member of the Committee on Industry, Research and Energy (ITRE),<sup>22</sup> a key target in the European Parliament for big business lobbying. In December 2014, Boni, together with several other EPP MEPs, submitted a ‘Motion for a resolution on the revision of the Commission’s impact assessment guidelines and the role of the SME test’.<sup>23</sup> This motion included recommendations that were very similar to those made by BusinessEurope, and by extension, its member Lewiatan. For example, the motion proposed that the so-called SME test should be integral to Impact Assessments and “mandatory for

(D) Zgodnie z art. 4 ust. 2 lit. d) kodeksu postępowania deklaruje moje członkostwo w radach nadzorczych lub zarządach przedsiębiorstw, organizacji pozarządowych, stowarzyszeń lub innych organów posiadających osobowość prawną lub prowadzenie przeze mnie wszelkiej innej działalności zewnętrznej, zarówno tej, za którą otrzymuję wynagrodzenie, jak i tej, którą wykonuję nieodpłatnie:

Członkostwo lub działalność	Kategorie dochodu <sup>2</sup>			
	1	2	3	4
1. PKPP 'Lewiatan' - zatrudniony jako ekspert / doradca		X		
2.				
3.				
4.				
5.				

(E) Zgodnie z art. 4 ust. 2 lit. e) kodeksu postępowania deklaruje moją wynagradzaną okazjonalną działalność zewnętrzną (w tym działalność pisarską, działalność w charakterze wykładowcy lub w charakterze eksperta), jeżeli w danym roku kalendarzowym wynagrodzenie przekracza kwotę 5 000 EUR:

Okazjonalna działalność, za którą całkowite wynagrodzenie przekracza 5 000 EUR w roku kalendarzowym	Kategorie dochodu <sup>2</sup>			
	1	2	3	4
1. Opracowania eksperckie		X		
2. KPMG. Europejska Stolica Kultury Wrocław 2016		X		
3. 'Samorządowa Polska' - Unia Gospodarcza Samorządowych Funduszy Pożyczkowych S.A.		X		
4.				
5.				

2. od 1001 EUR do 5000 EUR brutto miesięcznie,  
3. od 5001 EUR do 10 000 EUR brutto miesięcznie,  
4. ponad 10 000 EUR brutto miesięcznie.

Michał Boni, DoFI, [http://www.europarl.europa.eu/mepdf/124896\\_DFI\\_rev0\\_PL.pdf](http://www.europarl.europa.eu/mepdf/124896_DFI_rev0_PL.pdf) (Original declaration –01/07/2014 – most recent version as of 09/04/15)

business-relevant legislative proposals”. Furthermore, the motion:

“Urges the Commission to establish...a high level advisory body on better regulation involving both stakeholder expertise and national experts as soon as possible; proposes a strong and independent advisory mandate for this body, which should include assessing the administrative burden of proposals, the cost of compliance... [etc]”

The tone, emphasis and recommendations in the motion mirror many of those of BusinessEurope, which has insist-

ed that *“Impact assessments, to which SME tests must be integral, have to take all adaptation, compliance and administrative costs into account”*, emphasised the input of “stakeholders” i.e. business organisations,<sup>24</sup> and lobbied for an external body (similar to the ‘high level advisory body on better regulation’ described above) *“to scrutinise the Commission’s impact assessments and to assess the evidence base and costs and benefits of substantive amendments”*.<sup>25</sup>

Boni’s close ties to Lewiatan/BusinessEurope are also apparent from joint events. For example, on 25th March 2015 Boni partnered with Lewiatan and others to organise an event on *“the role of social business in enhancing the EU’s competitiveness”*, with Boni speaking alongside BusinessEurope’s Director General Markus Beyrer.<sup>26</sup> Boni is also on the committee of the European Forum for New Ideas (EFNI),<sup>27</sup> an annual *“meeting of the business milieus”* and policy-makers, organised by Lewiatan, BusinessEurope and others. This role is not explicitly referred to in Boni’s DoFI, which lists only his role as expert/advisor for Lewiatan.

Boni also declares three other activities under ‘Occasional outside activity’, each bringing him an annual equivalent of €1001 to €5000 per month. As well as a local government position and the somewhat unclear ‘KPMG. Wrocław European Capital of Culture 2016’, Boni lists “Expert studies” (*“Opracowania eksperckie”* in Polish). This kind of vague and ambiguous declaration is not uncommon, and in Boni’s case leaves a big question as to what kind of work this entails, let alone whether it might give rise to potential conflicts of interest.

In response to request for comment, and as to whether any of his roles included activities which fall under the European Parliament and European Commission’s definition of interest representation,<sup>28</sup> Mr Boni responded that *“I think that, as a citizen of the European Union, I am entitled to work in the field of consultation if this is compliant with my competences and knowledge”* and furthermore that *“I am sorry that I have been accused of being partisan only because of my former experience and professional activity.”*<sup>29</sup>

In his response, Mr Boni also gave some details of his political history during Poland’s political transformation in the 1990s, including as Minister of Labour and Social Policy, and as *“a co-originator of social dialogue in sovereign Poland”*. He goes on to state that *“In cooperation with the Polish Confederation Lewiatan I developed an expertise concerning social dialogue and I met with representatives of trade unions, which was the result of the experience I have gained before.”* This is the only comment he gives with respect to questions about his current role as expert / advisor for Lewiatan and whether it includes interest representation.

With respect to his undeclared membership of EFNI, Mr Boni states only that it *“is an honour”* for him to be a member alongside *“outstanding figures”* such as former Polish Prime Ministers and Members of the European Commission. Regarding his income from KPMG, Boni

clarifies that *“Due to my competences and skills I was able to prepare a report for KPMG concerning introduction of digital management in Polish cities in the scope of social policy, culture and social capital management and introduction of “smart cities” solutions.”* He adds that he was *“simultaneously working with Professor Jerzy Hausner on the report entitled “Konkurencyjność polskiej gospodarki” [Competitiveness of the Polish economy].”* However, Mr Boni also states that he *“had worked on the reports”* and was *“engaged in all of these purely research activities”* before he was elected as an MEP: *“Since then, I have not performed any such function.”* It is not clear if these “reports” also refer to Mr Boni’s declared occasional activity “Expert studies”, about which he does not provide the requested clarification about what this role entails.

For the sake of public interest law-making, the integrity of the European Parliament, and the *appearance* of these, the MEP Code of Conduct should be updated to include a list of clear criteria to define which activities constitute a conflict of interest. This should include being employed or receiving any other form of benefit or reward from an industry lobby group, a lobby consultancy or any other lobby actor involved in EU lobbying.<sup>30</sup>

# Renato Soru

Renato Soru is an Italian S&D MEP who entered the European Parliament in July 2014. In his DoFI, under Committee and Board memberships, Soru declares that he is “Presidente CEO Tiscali SPA”, earning more than €10,000 per month. Furthermore, Soru declares under Holdings “Partecipazione in TISCALI SPA”, earning him between €500 and €1000 per month.<sup>31</sup> Tiscali is an Italian internet and telecommunications company, which throughout the 2000s owned internet service providers across Europe. As President of Tiscali, Soru was named by Forbes as one of the 100 richest people in the world in the early 2000s, with a net worth of over \$4 billion (US) as of September 2001.<sup>32</sup>

In the European Parliament, Soru is as member of the ECON Committee, and substitute on the ITRE committee. One of the priorities of ITRE is “to build a true European digital market”<sup>33</sup>, a remit that overlaps with the interests of Tiscali. Furthermore, Soru has been active in the European Parliament concerning digital single market and internet governance – issues of direct commercial concern to the company that he chairs. For example, Soru has spoken in Plenary during debates on the Digital Single Market,<sup>34</sup> as well being one of a number of MEPs who successfully tabled a Joint Motion on the renewal of the mandate of the Internet Governance Forum in February 2015.<sup>35</sup> The Internet Governance Forum is “the leading global multi-stakeholder forum on public policy issues related to Internet governance,” a UN-affiliated platform intended to bring together different stakeholders from the public and private sector.<sup>36</sup>

Soru is also a member of the European Internet Forum (EIF),<sup>37</sup> a fact which he had not declared in his DoFI when the research for this report was undertaken, despite many fellow MEP members declaring membership of EIF in their DoFIs.<sup>38</sup> EIF is an MEP-industry forum, which have been criticised as under-the-radar lobbying vehicles used to promote industry interests, and are subject to few rules and little transparency.<sup>39</sup> EIF’s business members range from Google, Amazon and Apple to Nokia, Vodafone and Sky.<sup>40</sup> Its stated goals include to ensure that Europe “benefits fully” from the digital transformation “through enhanced global competitiveness and social progress” and to support MEPs “from all political groups in their efforts to shape policy and regulation”.<sup>41</sup> EIF is signed up to the Transparency Register, where despite listing three lobbyists accredited to the European Parliament, and annual interest representation costs of €450,000 to €500,000 in 2012, it states that it “is not a lobbying organisation.”<sup>42</sup>

Although there is no clear evidence of recent direct EU-level lobbying by Tiscali, it is problematic that Soru is president of a company that has clear commercial interests in regulatory areas that he is also active on as an MEP. This is a situation that could well lead to the perception – even if not realisation – of potential conflicts of interest. It is therefore emblematic of the kind of side job

D) “A norma dell’articolo 4, paragrafo 2, lettera d), del codice di condotta, dichiaro la mia partecipazione a consigli di amministrazione o comitati di impresa, organizzazioni non governative, associazioni o altri enti giuridici o qualsiasi altra pertinente attività esterna da me svolta, retribuita o non retribuita:”

Partecipazione o attività	Categorie di reddito <sup>2</sup>			
	1	2	3	4
1. Presidente CEO Tiscali SPA				X
2.				
3.				
4.				
5.				

F) “A norma dell’articolo 4, paragrafo 2, lettera f), del codice di condotta, dichiaro la mia partecipazione in società o partenariati, qualora vi siano possibili implicazioni di politica pubblica o qualora tale partecipazione mi conferisca un’influenza significativa sulle attività dell’ente interessato:”

Partecipazione o partenariato con possibili implicazioni di politica pubblica	Partecipazione che conferisce un’influenza significativa	Categorie di reddito <sup>2</sup>			
		1	2	3	4
1.	Partecipazione in TISCALI SPA	X			
2.					
3.					
4.					
5.					

<sup>2</sup> Eventuali redditi regolari percepiti dai deputati in relazione a ciascun elemento dichiarato rientrano in una delle seguenti categorie:  
 1. da 500 a 1 000 EUR lordi al mese;  
 2. da 1 001 a 5 000 EUR lordi al mese;  
 3. da 5 001 a 10 000 EUR lordi al mese;  
 4. oltre 10 000 EUR lordi al mese.

H) Dichiaro qualsiasi altro interesse finanziario che possa influenzare l’esercizio delle mie funzioni:

Interessi finanziari

- 1. Partecipazione in Tiscali SPA

Renato Soru, DoFI, [http://www.europarl.europa.eu/me-pdf/12486Q\\_DFI\\_rev1\\_IT.pdf](http://www.europarl.europa.eu/me-pdf/12486Q_DFI_rev1_IT.pdf) (Revision no 1 – 13/10/2014– most recent version as of 09/04/2015)

that is incompatible with being an MEP, and the reason why the Code of Conduct should be updated to exclude holdings, paid or unpaid positions on advisory or supervisory boards, or other positions of power (e.g. executives or CEOs), in companies operating in fields that MEPs are likely to regulate or which have an interest in influencing the European Parliament.<sup>43</sup>

In response to request for comment, including as to whether his role as Tiscali CEO includes activities which fall under the definition of interest representation, Mr Soru responded that he does not believe there has been a conflict of interest between his activities as “an entrepreneur” and his current role as an MEP:

“In the Parliament I have been offering my professional expertise in a sector that is considered a priority for Europe, both by the Commission and by Member States. I was not instrumental in deciding this priority, but I fully support the decision and I wish Europe to play an important role in the next Digital Revolution. I have been working in the internet sector for the past 20 years, a time during which I developed a strong knowledge of the field. I believe mine is a privileged

*point of view, since my professional and political experiences give me a technical expertise, united with a personal vision of what the future Europe should be, digital, connected, competitive. For this reason I see my contribution as potentially useful for the development of European policies in the digital sector. My political activities in the ITRE committee have been limited to contributions to various political position papers, discussions and to the resolution on the future of the Internet Governance Forum, furthermore I am shadow rapporteur on a resolution the Parliament is preparing on the Big Data economy, none of these has a direct impact on Tiscali, as they are only a general attempt to further strengthen the Digital Economy in Europe.”<sup>44</sup>*

problematic result of more privacy for the more wealthy. Instead, the more MEPs earn, additional to their MEP mandate, the more scrutiny there should be from parliamentary authorities so as to prevent risks of conflicts of interest.<sup>49</sup>

Mr Soru furthermore noted that his position and interests in the digital sector have always been transparent, and that his “competences can be an asset for the Parliament” and his “commitment has been irreproachable.” With regards to his failure to declare his membership of EIF, Mr Soru thanked us for bringing this to his attention, and noted that his “personal participation in the Forum started after the first declaration and I did not update it recently, I will correct it as soon as possible” - which he duly did in April 2015.<sup>45</sup> Mr Soru also commended and supported our efforts “towards maintaining integrity and transparency and invite you to continue your activity and check my actions as much as you believe necessary.”<sup>46</sup>

The top income bracket that an MEP can declare for monthly outside earnings is open-ended i.e. it has no upper limit: “more than €10,000 gross per month”. Whereas the lower bandwidths are €500 to €1000 gross per month, €1001 to €5000 a month, and €5001 to €10,000 a month. This leads to the perverse outcome that the more modest an MEP’s outside earnings are, the narrower the margin of monthly income they must declare, and the greater the specific detail of an outside financial interest the public can know. Put another way, the more they earn, the less we have a right to know. For this reason, we also asked Mr Soru what his actual monthly income from his role as CEO of Tiscali was (though Bloomberg reports his Tiscali salary to be €350,000 per year<sup>47</sup>), to which he replied that he found the question “quite odd”:

*“I reported my income following the rules prescribed by the Parliament and I do not wish to disclose any further detail. My salary is in line or below the average remuneration for CEOs of medium level companies. I hope that the transparency requirements of the European Parliament are enough to provide you with understanding of my income while maintaining my personal privacy.”<sup>48</sup>*

Mr Soru may be in accordance with the rules, but there is clearly a problem with the rules when they provide less transparency, the more an MEP earns. Smaller and regular bandwidths for outside earnings should be introduced, as well as requiring any monthly income higher than €10,000 to be fully disclosed, in order to correct the

# Birgit Collin-Langen

Birgit Collin-Langen is a German EPP MEP who sits on the Committee on the Environment, Public Health and Food Safety (ENVI).<sup>50</sup> In her DoFI, Collin-Langen declares that she is a Member of the RWE “Beirat”, an Advisory Board of RWE, the German electric utilities company, earning €500 to €1000 per month.<sup>51</sup> The electricity and gas company, which had sales of € 54 billion in 2013, is signed up to the Transparency Register, declaring EU lobby expenditure of €2 million in 2013, with its own Brussels office including three lobbyists accredited to the European Parliament.<sup>52</sup> RWE is also a member of several energy industry and business lobby groups highly active in Brussels, including EurElectric, Eurogas and BusinessEurope. With the bulk of its power generation coming from coal, lignite and gas,<sup>53</sup> RWE has enormous vested interest in policy areas that the ENVI committee is responsible for in Parliament – particularly policies to do with climate change and carbon emissions.

There is significant similarity between some positions on climate and energy expressed by RWE and by Collin-Langen. In a 2013 European Commission consultation on the EU Emissions Trading Scheme (ETS), RWE argued that “Any unilateral tightening of the EU’s carbon target therefore risks disadvantaging Europe’s industry’s global competitiveness, risks accelerating damaging carbon leakage and is therefore not supported by RWE.”<sup>54</sup> Collin-Langen has expressed a similar stance in a Parliamentary debate, stating that the new climate goals to be decided at the UN climate talks in Paris December 2015 should “apply to all countries”, in contrast to the Kyoto Protocol, which placed greater obligations on industrial nations (i.e. it recognised “common but differentiated responsibility”, a key principle of climate justice).<sup>55</sup>

Both RWE and Collin-Langen continue to have an active interest in the EU ETS. In January 2015, Collin-Langen tabled amendments to an ENVI committee draft report on the proposed EU ETS market stability reserve, including adding provisions for a Commission review of the EU ETS “with particular regard to carbon leakage provisions and the continuation of free allocations” in order to provide incentive for “the most efficient performance taking into account direct and indirect carbon costs”.<sup>56</sup> RWE is a strong proponent of the (highly ineffective) EU ETS being the EU’s “primary tool for climate protection in Europe”.<sup>57</sup> RWE has argued vehemently that the ETS’ price of carbon is not too low and against any “discretionary” interference in the ETS, as well as warning against carbon leakage. Collin-Langen’s amendment for an ETS review after 2020 focusing on carbon leakage provisions could serve RWE’s interests, and provide them with another significant opportunity to push their interests.

In response to request for comment, and as to whether any of her activities in her RWE board role fall under the definition of interest representation, Ms Collin-Langen responded that the board is not a supervisory but an advisory board, its members do not have a control or manage-

(D) „Gemäß Artikel 4 Absatz 2 Buchstabe d des Verhaltenskodex erkläre ich jegliche Mitgliedschaften in Leitungsorganen oder Ausschüssen von Unternehmen, nichtstaatlichen Organisationen, Verbänden oder sonstigen rechtmäßig geschaffenen Einrichtungen oder jegliche sonstige auswärtige Tätigkeit, die ich mit oder ohne Vergütung ausübe:“

Mitgliedschaft oder Tätigkeit	Einkommenskategorien <sup>2</sup>			
	1	2	3	4
1. Mitglied des Beirats der RWE	X			
2.				
3.				
4.				
5.				

<sup>2</sup> Jedes regelmäßige Einkommen, das Mitglieder für jede angegebene Funktion erhalten, wird in eine der folgenden Kategorien eingeordnet:  
 1. 500 EUR bis 1000 EUR brutto monatlich;  
 2. 1001 EUR bis 5000 EUR brutto monatlich;  
 3. 5001 EUR bis 10.000 EUR brutto monatlich;  
 4. mehr als 10 000 EUR brutto im Monat.

Birgit Collin-Langen, DoFI, [http://www.europarl.europa.eu/me-pdif/112788\\_DFI\\_rev0\\_DE.pdf](http://www.europarl.europa.eu/me-pdif/112788_DFI_rev0_DE.pdf) (Original declaration –27/05/2014 - most up to date version as of 26 March 2015)

ment function, and therefore she does “not see any danger of a conflict of interest with regard to my role as a member of ENVI”.<sup>58</sup> She furthermore noted that her membership since 1997 of RWE’s Advisory Board “dates back to my former duty as a Mayor of the city of Bingen”, and that after her resignation from office as Mayor, she was “asked to continue to contribute my experience of local politics to the Advisory Board”. Ms Collin-Langen elaborated that it is through “this advisory function, the management of the RWE Group is rather made aware of local and social interests”. She is remunerated on an annual rate, which “amounts to 250 euros when translated on a monthly basis”, in addition to which “there are attendance fees”, though this did not “reach the relevant declaration limit of 6,000 euros per year”.<sup>59</sup>

There is clearly a potential conflict of interest for an MEP to have a remunerated position on an advisory board for a (predominantly fossil-fuel-based) power company, whilst sitting on the committee that has most influence on EU climate and energy legislation. Collin-Langen’s role for RWE as a member of a regional advisory board is to advise the company’s Executive Board “on matters of corporate and municipal energy policy...particularly issues of future strategic positioning” and make suggestions “for general development of the business in the regions”.<sup>60</sup> The authors of this report do not share the opinion that sitting on an advisory board is less dangerous with respect to potential conflicts of interest than sitting on a supervisory board. On the contrary, as boards like the RWE “Beirat” do not even have a specific legal function, nobody knows exactly what the task of the members is. This has led to concerns about the dangers of RWE’s “Beirat” acting as a committee for mutual influence, with media reports in Germany having questioned its role in the past.<sup>61</sup> Furthermore, since Collin-Langen is no longer a local politician but an MEP, the sense of her continued membership of a local “Beirat” is also questionable.

Whilst Collin-Langen’s RWE role may not involve giving strategic advice on EU lobbying, we believe that regardless

of her exact function, her being affiliated with, and on the payroll of, a company whose commercial interests may be served by amendments she has tabled, positions she has advocated, or what she voted for or against in committee, may give rise to the public perception of a potential conflict of interest. Situations like this should be avoided by stronger and clearer rules on what side jobs and outside interests MEPs may and may not hold. Any paid or unpaid position on an advisory or supervisory board – regardless of its exact function – of companies involved in EU lobbying, operating in fields that MEPs are likely to regulate or which have an interest in influencing the European Parliament should be prohibited.<sup>62</sup>

## Guy Verhofstadt

Guy Verhofstadt is a Belgian ALDE MEP, and a former prime minister of Belgium, who now Chairs the ALDE group, sits on the Conference of Presidents (BCPR), and is also a member of the Committee on Constitutional Affairs (AFCO).<sup>63</sup> Verhofstadt declares seven Committee and Board memberships which together earn him a minimum of €12,003 gross per month, including for two large Belgian companies, Exmar and Sofina.<sup>64</sup>

Exmar is a Belgian shipping group serving the international gas and oil industry, specialising in the transport of gas and liquefied gases.<sup>65</sup> Verhofstadt's role as an 'independent director' of Exmar earns him €1001 to €5000 per month.<sup>66</sup> Whilst Exmar is not in the Transparency Register, its business interests are certainly affected by EU-level laws and regulations, particularly in the areas of trade and market access, a fact which was illustrated by Verhofstadt's keynote speech at a shipping industry gala dinner in Brussels, March 2015.<sup>67</sup> Hosted by the European Community Shipowners' Associations (ECSA), which Exmar is a member of through ECSA's Belgian member, the Royal Belgian Shipowners' Association (KBRV),<sup>68</sup> the gala dinner brought the shipping industry and EU officials together. Both ECSA and KBRV are signed up to Transparency Register, declaring lobby expenditure of under ten thousand euros (in 2013 and 2014 respectively).<sup>69</sup> For his keynote speech at the ECSA dinner, Verhofstadt was introduced as *"one of the few top politicians in Europe who has a very active role in the shipping industry, because he is a member of the board of one of Belgium's biggest – if not the biggest – shipping groups, Exmar"*.<sup>70</sup>

It has been reported that at this schmoozing-come-lobby dinner, Verhofstadt urged the shipping industry to get behind the controversial Trans-Atlantic Trade and Investment Partnership (TTIP), which would be a *"huge potential opportunity"* for the industry, opening-up access to coastal trades currently blocked under the US Jones Act. Verhofstadt urged European shipowners *"to raise your voice, to the (European) Commission, to the (European) Parliament, to everybody involved, so that steps are taken to remedy this situation,"* and further pledged that TTIP would *"make life easier for global business."*<sup>71</sup> In a comment to us, Mr Verhofstadt's office confirmed that *"he indeed launched a call for action, pleading for TTIP and against the US Jones Act which forbids cabotage, i.e. coastal shipping for all vessels not owned, built and crewed in the USA. This US act is pure protectionism and goes against his liberal political philosophy: pro free trade, pro market economics and against any form of unsubstantiated trade and market barriers. I truly hope other liberal politicians in Europe and the rest of the world do the same."*<sup>72</sup> It is thus clear that Verhofstadt, in his capacity as an elected MEP, encouraged an industry that he has a significant financial interest in, to lobby the EU on an issue that would, allegedly, be profitable for that industry. This case highlights the problems that can arise when MEPs have positions on boards of companies with commercial interests in dossiers that MEPs are in a position to

influence: it can create the *public perception of potential conflicts of interest*.

The same concern is raised by Verhofstadt's Directorship of Sofina (Société Financière de Transports et d'Entreprises Industrielles) a multi-billion euro Belgian investment and holding company, a position which earns him over €10,000 monthly.<sup>73</sup> Whilst the highest income bracket that can be declared on the DoFI is "More than €10,001 per month", according to Sofina's 2013 Annual Report, Verhofstadt received pay of €130.5 thousand in 2013, before tax.<sup>74</sup> Mr Verhofstadt's office has confirmed that this amount is correct.<sup>75</sup> Sofina's portfolio (i.e. companies in which it has a stake) include French energy giant GDF Suez, global food industry player Danone and Belgian supermarket firm Colruyt.<sup>76</sup> Sofina also has a stake in GDF Suez subsidiary, Suez Environnement, which, it was reported last year, was involved in bids concerning water privatisation in Greece.<sup>77</sup> Whilst Sofina itself is not in the lobby register (and may not be lobbying at EU level), some of the companies it has a stake in declare EU lobbying activities in the Transparency Register, including Danone and Suez Environnement.<sup>78</sup> With significant investments in telecommunications, banks and insurance, and energy,<sup>79</sup> Verhofstadt's high earnings from Sofina could raise concerns about potential conflicts of interest in numerous policy areas that the European Parliament legislates on, and upon which Verhofstadt must vote.

With respect to his directorships of Exmar and Sofina, Mr Verhofstadt's office commented that he "*is an independent director under Belgian law and in line with the Belgian Corporate Governance Code of 2009. A director under Belgian law has no operational duties at all. He does not work or lobby for the company, but on the contrary has a supervisory task and has to control the company in terms of good governance. On top of that, the Belgian law requires a number of independent directors, of whom Mr. Verhofstadt is one and who have to respond to severe criteria to guarantee their independence towards the company. The Belgian law in itself eliminates the risk of a potential conflict of interest.*"<sup>80</sup> This response focuses on whether Verhofstadt's position as an MEP could influence his independence towards the companies of which he is a paid, independent director. It does not address the more relevant question of whether his being on the payroll of these companies, and indeed the extent of his financial interest in them, could potentially influence his independence as an MEP.

In response to our request for comment regarding the concern that Mr Verhofstadt's role as an MEP and his interests in Sofina and Exmar may give rise to the perception of potential conflicts of interest, Mr Verhofstadt's office responded:

*"I would like to express my surprise at the implication you are trying to make that MEPS with external activities necessarily find themselves in breach of their own code of conduct. I do not find this acceptable as Mr. Verhofstadt is clearly complying with the rules on transparency which at the very least enabled you to find out about his external activities."*

(D) "Overeenkomstig artikel 4, lid 2, onder d), van de gedragscode doe ik opgave van mijn deelname aan comités en raden van bestuur bij ondernemingen, niet-gouvernementele organisaties, verenigingen of andere organisaties die aan het rechtsverkeer deelnemen, en van enige andere relevante externe activiteit waarmee ik mij al dan niet bezieldig bezighoud."

Deelname of activiteit	Inkomstencategorieën <sup>2</sup>			
	1	2	3	4
1. Exmar België: Bestuurder		X		
2. Sofina: Bestuurder				X
3. EIPA: Voorzitter van het Bestuur		X		
4. Open VLD Nationaal + Gent: Lid partijbestuur				
5. Centrum Maastch. Informatie: Bestuurder				
6. Liberaal Studiecentrum vzw: Bestuurder				
7. Libera vzw: Bestuurder				

(E) "Overeenkomstig artikel 4, lid 2, onder e), van de gedragscode doe ik opgave van incidentele externe activiteiten die ik tegen vergoeding verricht (met inbegrip van publicaties, lezingen of advisering), waarvan de vergoeding in totaal meer bedraagt dan 5000 EUR per kalenderjaar:"

Incidentele activiteiten waarvan de vergoeding in totaal meer bedraagt dan 5000 EUR per kalenderjaar	Inkomstencategorieën <sup>2</sup>			
	1	2	3	4
1. Assemblee sprekersbureau Nederland		X		
2. Speaker Bureau CALYA Consultants		X		
3. The London Speaker Bureau Russia	X			
4. UBS International Center of Economics University of Zurich	X			
5.				

1. van 500 tot 1000 EUR bruto per maand;  
 2. van 1001 tot 5000 EUR bruto per maand;  
 3. van 5001 tot 10 000 EUR bruto per maand;  
 4. meer dan 10 000 EUR bruto per maand.

Guy Verhofstadt, DoFI, [http://www.europarl.europa.eu/me-pdf/97058\\_DFI\\_rev2\\_NL.pdf](http://www.europarl.europa.eu/me-pdf/97058_DFI_rev2_NL.pdf) (Revision no 2 22/09/2014 – most recent version as of 09/04/2015)

It should be noted that we do not imply that an MEP declaring some external activity necessarily breaches the code or is in a situation of conflict of interest. Quite clearly, it is the nature of an outside role or activity as well as the commercial or other interests of the organisation for which the role or activity is for. Mr Verhofstadt's office conclude that that they do "*not see how these activities could fall in any way under Article 1 of the Code of Conduct for MEPs defining 'conflict of interest'*"<sup>81</sup> i.e. when an MEP "*has a personal interest that could improperly influence the performance of his or her duties as a Member*".<sup>82</sup> It is however the task of ethics regulations and transparency rules to prevent situations of *potential* conflicts of interest from arising. Similarly, we do not seek to demonstrate *actual* conflicts of interests, but to flag up where a situation could create the *appearance* of, or the conditions for, *potential* conflicts of interest between an MEP's outside, private interests and their obligation to act in the public interest. It is for these reasons that the MEP Code of Conduct should be updated to explicitly exclude paid or unpaid positions on advisory or supervisory boards of companies which have an interest in influencing the European Parliament, or operate in fields that MEPs may regulate.<sup>83</sup>

# Dariusz Rosati

Dariusz Rosati is a Polish EPP MEP, elected in 2014, and previously an MEP from 2004-2009. In his DoFI, under Committee and Board memberships, he declares being a Member of the Supervisory Board of Bank Millennium, Poland earning him €1001 to €5000 per month. Under Occasional outside activity he declares being a Member of the Advisory Board of Meridiam Company, France, also earning him an annual equivalent of €1001 to €5000 per month.<sup>84</sup> In the latter category, Rosati also declares “Lecturing”, whilst under Regular outside activity, Rosati lists two more academic positions, all of which earn him €1001 to €5000 per month.

As an MEP who sits on the ECON committee, and is a substitute on the Committee on the Internal Market and Consumer Protection (IMCO),<sup>85</sup> Rosati is heavily involved in economic and monetary policy, banking reform, etc. Moreover, within ECON, Rosati was Rapporteur for the Report on the European Semester for economic policy coordination: Annual Growth Survey 2015, March 2015.<sup>86</sup> He has also been active in plenary debates on economic and financial dossiers, including regarding the controversial 6-pack and 2-pack regulations and in defence of the European Central Bank’s policies.<sup>87</sup> It is therefore clear that Rosati’s positions earning a total of up to €10,000 a month from a major Polish bank and a global investor and asset manager may raise concerns about the perception of potential conflicts of interest.

Meridiam is a global investor and asset manager specializing in public and community infrastructure, with €2.8 billion of assets under management.<sup>88</sup> Meridiam is signed up to the Transparency Register, and declares 6 lobbyists and EU lobby expenditure of < € 50,000 in 2014.<sup>89</sup> It is also listed as a client of two lobby consultancies, both with Brussels offices, Sovereign Strategy (< € 50,000 in 2013)<sup>90</sup> and EUROS / AGENCY (< € 50,000 in 2014).<sup>91</sup> On its own website, Meridiam states that its “expertise on infrastructure [has been] sought by European institutions”, that the company participated actively “in the preliminary works that led in 2012 to the European Commission Green Paper on long-term investment”, and that Meridiam experts have taken part in Commission working groups on the financing of Trans-European transport networks (TEN-T).<sup>92</sup>

Bank Millennium is one of Poland’s largest banking groups, and is majority owned (65.5% shareholding) by Portugal’s largest commercial bank, Banco Comercial Portugues (Millennium bcp).<sup>93</sup> Whilst Bank Millennium has not signed up to the Transparency Register, its parent Millennium bcp is listed as a client of lobby consultancy EUPPORTUNITY (QB, Lda.), paying the firm between €50,000 and €100,000 in 2013.<sup>94</sup> Eupportunity, a Portuguese consultancy specializing in European affairs, with offices in Brussels and Lisbon, has 7 lobbyists accredited to the European Parliament, and on its website promises clients that their “influence will be actively felt in the preparation of dossiers”.<sup>95</sup> The fact that Millennium Bank’s commercial interests are deeply affect-

(D) "Pursuant to Article 4(2)(d) of the Code of Conduct I declare my Membership of any boards or committees of any companies, non-governmental organisations, associations or other bodies established in law, or any other relevant outside activity that I undertake, whether remunerated or unremunerated:"

Membership or Activity	Categories of income <sup>2</sup>			
	1	2	3	4
1. Member of supervisory Board of Bank Millennium, Poland		X		
2.				
3.				
4.				
5.				

(E) "Pursuant to Article 4(2)(e) of the Code of Conduct I declare my occasional remunerated outside activity (including writing, lecturing or the provision of expert advice), if the total remuneration exceeds EUR 5 000 in a calendar year:"

Occasional activity if total remuneration exceeds EUR 5000 in a calendar year	Categories of income <sup>2</sup>			
	1	2	3	4
1. Member of Advisory Board, Meridiam Company, France		X		
2. Lecturing		X		
3.				
4.				
5.				

<sup>2</sup> Any regular income Members receive in respect of each item declared shall be placed in one of the following categories:  
 1. EUR 500 to EUR 1000 gross a month;  
 2. EUR 1001 to EUR 5000 gross a month;  
 3. EUR 5001 to EUR 10 000 gross a month;  
 4. more than EUR 10 000 gross a month.

Dariusz Rosati, DoFI, [http://www.europarl.europa.eu/me-pdf/28394\\_DFI\\_rev0\\_EN.pdf](http://www.europarl.europa.eu/me-pdf/28394_DFI_rev0_EN.pdf) (Original declaration -04/06/14 – most recent version as of 09/04/15)

ed by EU financial legislation is demonstrated not only by its parent company hiring an EU lobby firm, but by the extensive information provided on its website about how the Markets in Financial Instruments Directive (MiFID) has affected it.<sup>96</sup>

In response to request for comment, Mr Rosati responded that none of his activities in any of the above mentioned roles fall under the definition of interest representation nor create any conflict of interest with his duties as an MEP.<sup>97</sup> With respect to his membership of Bank Millennium’s Supervisory Board, he pointed out that he is an “independent member”, a role which Polish corporate governance legal regulations, and corporate best practice guidelines, indicate Polish companies should include in their Supervisory Boards. Furthermore, Rosati states that:

*“The independent members are elected not to represent owners or principal shareholders, but rather dispersed and individual shareholders, as well as general public interest. This is how my role in the Bank Millennium’s Supervisory Board is defined.*

*Moreover, while being ECON member, I strictly avoid taking on tasks within my parliamentary responsibilities, such as reports or opinions, that may be directly relevant for financial industry in general, and for banking sector in particular. I also refrain from taking strong positions on such dossiers. In ECON, I specialize in macroeconomic issues and policies (the example being*

*my last report on The European Semester, but also my interventions at plenary sessions). Thus, with respect to my role in the Bank Millennium's Supervisory Board, I see no conflict of interest with my duties as MEP."*

With respect to his membership of Meridiam's Advisory Board, Mr Rosati stated that his role *"is to give opinions on various aspects of the overall economic situation and prospects in my home country Poland, where Meridiam has been active as investor in transport infrastructure... in my capacity as ECON member I strictly avoid taking on responsibilities on dossiers that concern asset management regulations or otherwise may be relevant for institutional investment industry in general, and for Meridiam Company in particular."* He again concludes that he has no conflict of interest.

Despite Mr Rosati's assurances that his financial industry positions do not influence his work on the ECON committee, and that he refrains from taking Parliamentary responsibilities that directly concern his outside financial industry interests, we would note that economic governance issues and macroeconomic policies are also of great importance for banks, and for investment firms. Furthermore, as an ECON member Rosati still has a responsibility to vote on reports or opinions that are more directly relevant to the financial industry. For the sake of public trust in the integrity of the European Parliament, the MEP Code of Conduct should ban any paid or unpaid position on advisory or supervisory boards of companies operating in fields that MEPs are likely to regulate or which have an interest in influencing the European Parliament.<sup>98</sup>

# New Parliament, old problems

Coupled with the new or previously undocumented cases of MEPs declaring outside interests explored in the previous section, this section takes an in depth look at four cases that have been covered in previous years by Friends of the Earth Europe, Corporate Europe Observatory, LobbyControl and others, but which remain unresolved. Namely, Rachida Dati (EPP), Nirj Deva (ECR), Paul Rübzig (EPP) and Bendt Bendtsen (EPP). These are cases where the MEPs concerned continue to hold outside interests that we believe raise concerns about potential conflicts of interest, but where weaknesses in the Code of Conduct, or the enforcement of it, mean that no action – at least known to the public – has been taken.

Table 2

MEP	Party	Country	Who are they working for?	Relevant committee positions
<b>Rachida Dati</b>	EPP	France	A <b>lawyer</b> for unknown clients, facing unresolved allegations concerning consultancy work for French energy company <b>GDF Suez</b>	/
<b>Nirj Deva</b>	ECR	UK	Chair of the board of UK firm <b>Symphony Environmental Technologies PLC</b>	/
<b>Bendt Bendtsen</b>	EPP	Denmark	Director of Danish shipping firm <b>Esvagt</b> and of shipping firms-owner <b>Lauritzen-Fonden</b> , and a member of <b>Danske Bank's</b> advisory board	Member of energy and industry committee and substitute on international trade committee
<b>Paul Rübzig</b>	EPP	Austria	Regular outside activity for business representation <b>WKÖ, the Austrian Federal Economic Chamber</b>	Member of energy and industry committee

# Rachida Dati

Rachida Dati is a French EPP MEP, elected in 2009 and again in 2014. She is former French Minister of Justice and Mayor of the 7th arrondissement of Paris and Conseillère de Paris 2008 - 2014. Dati's DoFI declares that she earns €10,001 or more per month as an "Avocat" or lawyer,<sup>99</sup> a fact which caused significant - and still unresolved - controversy in the last European Parliament. The absence of an upper limit to the top income bracket that can be declared on DoFIs means that it is only thanks to Dati's completion of her French declaration of interest - which has stricter disclosure rules and enforcement - that we know her earnings as a lawyer amounted to €625,000 in 2010, €539,000 in 2011, €704,000 in 2012, and € 205,000 in 2013.<sup>100</sup>

In May 2014, Friends of the Earth Europe, Corporate Europe Observatory and LobbyControl reported on the unanswered questions over Rachida Dati's work as a lawyer and allegations in the French media that Dati had been acting as a consultant for energy group GDF Suez.<sup>101</sup> It should be noted that working as a lawyer in a court, for example defending a client, is a very different thing to representing companies outside of a court situation, as a consultant or de facto lobbyist. GDF Suez declares spending €2,500,000€ to €2,750,000 on lobbying the EU in 2014, in the Transparency Register.<sup>102</sup> At the end of the last Parliament, the issue of Dati's DoFI and alleged links to GDF Suez was unresolved. At an event in the European Parliament at the end of the last Parliamentary session, former MEP Gerald Häfner, who chaired the Parliament's advisory committee on the Code of Conduct until May 2014, stated that then-and-now President of the European Parliament, Martin Schulz, had not taken up his recommendation to follow-up Dati's case with an official investigation:

*"[Dati] was completely inactive for a long time, and then she suddenly started to do a huge amount of work on energy, and strangely enough, everything that she does seems to correspond exactly to the interest of one particular industry lobby, namely Gaz De France. At one time a publicist admitted that she was acting on behalf of Gaz De France and specifically stated the amount she got in payment for that; and that case was also recommended for an official investigation [...] not a single one of these cases has had any conclusion and there have been no consequences."<sup>103</sup>*

Despite Dati's re-election as an MEP and continued declaration of monthly earnings over €10,001, and despite Schulz' re-election as President of the European Parliament, no further action or investigation has been undertaken - as far as is publicly known. However, in November 2014 the Cabinet of President Schultz informed Friends of the Earth Europe and Corporate Europe Observatory that it would request further clarification from Ms Dati. Nothing more has been heard since then, although an update on the situation was requested in April 2015.<sup>104</sup> It cannot be allowed that a potential conflict of interest of such significant scope, involving such large sums of money, and one

(C) "Conformément à l'article 4, paragraphe 2, point c), du code de conduite, je déclare l'activité régulière rémunérée que j'exerce parallèlement à l'exercice de mes fonctions, que ce soit en qualité de salarié ou de travailleur indépendant ."

Activité	Catégories de revenus <sup>2</sup>			
	1	2	3	4
1. Avocat				X
2.				
3.				
4.				
5.				

(D) "Conformément à l'article 4, paragraphe 2, point d), du code de conduite, je déclare ma participation aux comités ou conseils d'administration d'entreprises, d'organisations non gouvernementales, d'associations ou de tout autre organisme ayant une existence juridique, ou toute autre activité extérieure à laquelle je me livre, que celle-ci soit rémunérée ou non ."

Participation ou activité	Catégories de revenus <sup>2</sup>			
	1	2	3	4
1. PRESIDENT - ASSOCIATION C'EST A VOUS (NON-REMUNERE)				
2. ADMINISTRATEUR - SETE (TOUR EIFFEL) (NON -REMUNERE)				
3. ADMINISTRATEUR - SYTCOM (NON REMUNERE)				
4. ADMINISTRATEUR - ASSOCIATION DES AMIS DE L'AZERBAÏDJAN (NON-REMUNERE)				
5.				

<sup>2</sup> Les revenus réguliers perçus par le député pour chacun des points déclarés sont placés dans l'une des catégories suivantes :

1. de 500 à 1000 EUR brut par mois;
2. de 1001 à 5000 EUR brut par mois;
3. de 5001 à 10 000 EUR brut par mois;
4. plus de 10 000 EUR brut par mois.

Rachida Dati, DoFI, [http://www.europarl.europa.eu/mepdif/72775\\_DFI\\_rev1\\_FR.pdf](http://www.europarl.europa.eu/mepdif/72775_DFI_rev1_FR.pdf) (Revision no 1 - 10-12-2014- most recent version as of 09/04/15)

recommended by the Parliament's advisory committee for further investigation, is simply swept under the carpet.

Whilst Dati was previously a member of ITRE, she now sits on the Committee on Civil Liberties, Justice and Home Affairs (LIBE). Her DoFI further lists four committee and board memberships, including, "Administrateur - SYTCOM (Non remunere)".<sup>105</sup> Whilst "Syctom" proved extremely difficult to trace, "SYCTOM: l'agence métropolitaine des déchets ménagers" (Paris' Metropolitan agency for household waste) listed Dati as a member, in her Mayoral capacity, in 2011 and 2012.<sup>106</sup> Despite contacting Ms Dati for clarification and comment, we have received no response to date.<sup>107</sup> Perhaps of note however, is that SYCTOM recently awarded a consortium led by Suez environment (a GDF Suez subsidiary) a contract worth €1.8 billion (half of which will go to Suez environment) for an energy-from-waste recovery facility in Paris.<sup>108</sup>

Dati's case illustrates best why the MEP Code of Conduct should be updated to include a clear ban on MEPs engaging in any lobbying or paid work to represent outside bodies (including law firms engaged in lobbying at the EU level, or carried out under the auspices of being a lawyer).<sup>109</sup> It also demonstrates why stricter disclosure requirements, including more detailed descriptions of otherwise

ambiguous job titles or categories such as “Lawyer”, are needed. But these changes alone are not enough. Without stronger measures to tackle and prevent possible conflicts of interests when they occur, including a reformed and extended mandate of the advisory committee, additional remedies and/or sanctions when conflicts of interest occur, and efforts to ensure these are being applied, Dati’s case may still remain unresolved. President Schulz must follow through on the recommendations of the former advisory committee chair and launch or support a full investigation into Dati’s activities as a lawyer and the allegations regarding GDF Suez.

## Nirj Deva

Nirj Deva is a UK Tory MEP (British Conservative or ‘Tory’ Party MEPs are part of the ECR grouping in the European Parliament), in office since 1999. Deva sits on numerous Parliamentary Committees including being Vice-Chair of the Committee on Development (DEVE), Chair of Delegation for relations with the Korean Peninsula (DKOR) and a substitute on the Committee on Foreign Affairs (AFET). Aspects of Deva’s declared outside interests have previously been covered in a Corporate Europe Observatory, LobbyControl et al 2011 report,<sup>110</sup> and we believe there is still cause for concern over potential conflicts of interests. In his most recent DoFI dated 18 March 2015, amongst other things (including extensive business interests in Sri Lanka),<sup>111</sup> Deva declares committee/board membership of Symphony Plastic Technologies PLC, earning him €1001 to €5000 per month. He also declares holdings in Symphony Plastic Technologies PLC, earning him €1001 to €5000 per month.<sup>112</sup>

Symphony Environmental Technologies PLC (as the company is now known)<sup>113</sup> is a British company that develops and markets plastic products worldwide – or as it brands itself, a company “*finding technical solutions to the world’s environmental and public health problems by making plastic smarter*”.<sup>114</sup> Deva is Chairman of the Board of Symphony Environmental Technologies PLC, the largest manufacturer of oxo-biodegradable plastic bags, with revenues of £7.19 million in 2013.<sup>115</sup> Symphony Environmental Technologies PLC is not signed up to the Transparency Register, but one of the Symphony Group companies, Symphony Environmental Ltd, is listed as a client of major Brussels-based lobby consultancy Fleishman-Hillard, bringing them a turnover of €10,000 to €24,999 for EU-level “interest representation” activities in 2014.<sup>116</sup>

Deva’s role for Symphony has aroused controversy in the past. The UK newspaper The Times reported that Deva used an official trip to Barbados in 2006 to lobby developing countries against a ban on plastic bags, in the interests of Symphony.<sup>117</sup>

### **Tory party defending Symphony interests?**

In November 2014, a proposed EU-level ban on oxo-biodegradable plastic bags was, during negotiations in the European Council, removed from the draft directive on reducing the consumption of lightweight plastic carrier bags in Europe. This was apparently due in part to “*a strong UK stand against a ban of ‘oxo-degradable’ plastic bags, despite contrary advice from the UK environment department*”.<sup>118</sup> This was seen by some in the European Parliament to be a result of “*the business affairs of leading Tory politicians,*” as reported by the Guardian newspaper.<sup>119</sup> As well as Nirj Deva’s chairmanship of Symphony Environmental Technologies PLC, former Tory MP Michael Stephen is the Deputy Chairman of the Board,<sup>120</sup> and according to reports in the plastics industry press, former UK Tory MEP and ECR chair

Martin Callanan is now a consultant for Symphony Environmental Technologies PLC.<sup>121</sup>

The proposed ban on oxo-biodegradable plastic bags had been added by the European Parliament’s Environment Committee to the Commission’s original draft directive on reducing the consumption of lightweight plastic carrier bags in Europe.<sup>122</sup> The European Parliament Environment Committee’s stance on oxo-biodegradable plastic technology was summarised in an Explanatory Statement annexed to the proposed Resolution which stated that oxo-biodegradable plastic technology is “*marketed as a solution to littering, when in fact it increases the problem of littering by leading to environmental pollution with micro-plastics. Whether or not these micro-plastics are ultimately “biodegradable” as claimed by those offering this technology is highly controversial.*”<sup>123</sup> Symphony Environmental Technologies PLC’s Deputy Chairman Michael Stephen has stated that in response to the push in the European Parliament for a ban – or “attack” on – oxo-biodegradable plastic bags “*we had to defend ourselves. We asked our own government, the UK government, to look into the matter.*”<sup>124</sup> In November 2014, the Tory-led UK government led a blocking minority in the EU Council of Ministers against the measures for reducing the consumption of lightweight plastic carrier bags, including oxo-biodegradable ones. To clarify, lobbying – or interest representation – concerns any activity with the objective of “*directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions*”.<sup>125</sup> Symphony Environmental Technologies PLC’s attempts to defend its interests by seeking to influence the UK government’s position in the European Council (one of the three primary EU institutions) falls under this definition.

On 28th April 2015 the European Parliament voted on the revised draft plastic bag directive (which happily for Symphony no longer included an oxo-biodegradable plastic bag ban), and it was passed. Deva, in accordance with the MEP Code of Conduct, declared a commercial interest in the matter and did not vote.<sup>126</sup>

However, in the plenary debate about the directive,<sup>127</sup> fellow Tory MEP David Campbell Bannerman, in whose constituency Symphony is located, defended the company’s interests, further illustrating the role of the ECR (the Tories’ grouping in the European Parliament) in reshaping the draft directive. Bannerman described the debate around the plastic bag directive as “*characterised by an unjust, misinformed attack on oxo-biodegradable plastics technology*” adding that this “*innovative technology has been driven by a company [Symphony] in my East of England constituency with 30 dedicated employees*”.<sup>128</sup> Moreover, he noted that it was thanks “*to the tireless work by my ECR colleagues, [that] the Commission and Council saw sense. The finalised directive rightly refuses to ban oxo-biodegradable technology and calls on the Commission to conduct a proper scientific study*”. Danish Green MEP Margrete Auken, the rapporteur on the dossier, explained that it was only in order to keep the European Council together (i.e. in support of the draft directive as a whole) that

(D) “Pursuant to Article 4(2)(d) of the Code of Conduct I declare my Membership of any boards or committees of any companies, non-governmental organisations, associations or other bodies established in law, or any other relevant outside activity that I undertake, whether remunerated or unremunerated:”

Membership or Activity	Categories of income <sup>2</sup>			
	1	2	3	4
1. Symphony Plastic Technologies PLC		X		
2. Aitkin Spence PLC, Sri Lanka (travel and subsistence for expenses only)	X			
3. Family Trust (confidential trusts for family established by my grandfather in 1997 in Sri Lanka)				
4. MTD Walkers PLC, Sri Lanka		X		
5. Hotel Services PVT (Ltd) Travel expenses and hotel accommodation in Sri Lanka to attend board meetings				

(F) “Pursuant to Article 4(2)(f) of the Code of Conduct I declare my holding in any company or partnership, where there are potential public policy implications or where that holding gives me significant influence over the affairs of the body in question:”

Holding or Partnership with potential public policy implications	Holding which gives significant influence	Categories of income <sup>2</sup>			
		1	2	3	4
1. Symphony Plastic Technologies PLC			X		
2.					
3.					
4.					
5.					

<sup>2</sup> Any regular income Members receive in respect of each item declared shall be placed in one of the following categories:  
1. EUR 500 to EUR 1000 gross a month;  
2. EUR 1001 to EUR 5000 gross a month;  
3. EUR 5001 to EUR 10 000 gross a month;  
4. more than EUR 10 000 gross a month.

Nirj Deva, DoFI, [http://www.europarl.europa.eu/mepdif/4556\\_DFI\\_LEG8\\_rev1\\_EN.pdf](http://www.europarl.europa.eu/mepdif/4556_DFI_LEG8_rev1_EN.pdf) (Revision no 1 –18/03/2015 – most recent version as of 13/04/15)

they didn’t continue to directly pursue a ban on oxo-biodegradable plastic bags, despite Auken’s argument in the European Parliament plenary debate that “*oxo-degradable is worse than nothing*”.<sup>129</sup> Bannerman however reiterated: “*there is a lot of unscientific abuse being used against this company and the technology. Let us look at the facts rather than relying on these prejudices.*”<sup>130</sup>

Looking at the facts then, Deva is the paid chair of the board of a group of companies, one of which is engaged in EU-level lobbying (i.e. pays a Brussels lobby firm for activities falling under the definition “interest representation”), and appears to have sought to influence, through the UK government, proposed EU measures to reduce use of its products for environmental reasons.

We are concerned that Deva’s work for a company which has sought to influence EU decision-making has not, as far as is publicly known, led to any consideration by the Parliamentary authorities as to whether this role is in accordance with the MEP Code of Conduct. Article 3.1 of the code states that a conflict of interest exists when an MEP has a “*personal interest that could improperly influence the performance of his or her duties*” and Article 3.2 that any MEP “*who finds that he or she has a conflict*

of interest shall immediately take the necessary steps to address it".<sup>131</sup> It is our opinion that Deva's role for Symphony Environmental Technologies PLC could constitute a potential conflict of interest, and we do not believe that merely making this potential conflict transparent (i.e. declaring it in his DoFI), or recusing himself from voting on one particular directive at the end of a legislative process, makes the situation unproblematic. Addressing a potential conflict of interest should require ending the situation that could - not *does*, but *could* - improperly influence the performance of an MEP's duties.

We consider it problematic that the Code of Conduct does not expressly forbid Deva from having a financial interest in a company that has successfully lobbied against the introduction of EU environmental policy which was against its commercial interests. We believe this demonstrates why the MEP Code of Conduct should be updated to explicitly preclude this kind of scenario by banning MEPs from having any paid or unpaid position on an advisory or supervisory board/ any type of holding (including shares and stock options) or other financial interest, in companies operating in fields that MEPs are likely to be called upon to regulate, or which have an interest in influencing the European Parliament.<sup>132</sup> We also believe there is a need for the Parliament's advisory committee on the Code of Conduct to have more investigative capacity, more teeth, and more independence, in order to ensure that the Code is being implemented fully.

We have twice contacted Mr Deva for comment in relation to our concerns, but have received no response to date.<sup>133</sup>

## Bendt Bendtsen

Bendt Bendtsen is a Danish EPP MEP, in office since 2009, whose DoFI declares four posts involving regular outside activity, including as a Director of shipping firm Esvagt (< €500 per month) and as a Director of the Lauritzen-Fonden, earning him €1001 to €5000 per month. Esvagt is 75% owned by Danish shipping giant Maersk (although these shares were put on sale in March 2015 for around four billion dollars).<sup>137</sup> Bendtsen and his party have a controversial history with Maersk. Reportedly, Maersk donated 100,000 DKK (over ten thousand euros) to Bendtsen's Conservative People's Party (DKF) in the run up to the European elections in May 2014.<sup>138</sup> But it goes back further: as trade minister in the Danish government, in 2003 Bendtsen controversially signed over huge Danish oil concessions to Maersk, with highly favourable conditions for the company.<sup>139</sup> It was later insinuated in the Danish press that Bendtsen's directorship of Esvagt may have been a reward for this.<sup>140</sup> Lauritzen Fonden is a "commercial foundation with humanitarian activities" that is the "parent company of the shipping companies J. Lauritzen (wholly owned) and DFDS (42,8% holding), as well as the private limited company LF Investment ApS" which has holdings in companies including in the oil analysis and biotechnology sectors.<sup>141</sup> Under committee and board memberships (where Bendtsen re-lists all four regular outside activities) Bendtsen furthermore declares being a Director of Seamall, "the strategic partner for shipping companies all over the world".<sup>142</sup>

As well as these significant shipping industry interests, Bendtsen declares being a member of Danske Bank's Advisory Board (< €500 per month).<sup>143</sup> Whilst not a lucrative position financially (DKK 25,000 per year, or approximately €3,350), having an advisory role for Denmark's biggest bank, on a board whose mission is to "to support and promote Danske Bank's development, growth and reputation both in Denmark and abroad", is of particular concern.<sup>144</sup> Danske Bank is an active financial lobby group at EU level, listing lobby expenditure of €20,000 in 2013,<sup>145</sup> as well as

## A bit of background on Bendtsen and Rübzig

In July 2013, Friends of the Earth Europe, Corporate Europe Observatory, LobbyControl and Spinwatch, reported on the links of MEPs Bendt Bendtsen and Paul Rübzig with companies and industry groups that have a direct interest in European Parliament legislation and are involved in lobbying.<sup>134</sup> Upon asking President Schulz to investigate these cases to clarify whether Bendtsen and Rübzig risked finding themselves in breach of the MEP code of con-

duct, Schulz' response implied that so long as a potential conflict of interest is declared transparently in an MEP's DOFI, there is no problem with it.<sup>135</sup> This interpretation of the code seriously undermines its value as an instrument to ensure ethical behaviour of MEPs, and contradicts Article 3 which requires immediate "necessary steps to address" a conflict of interest to be taken by an MEP.<sup>136</sup> Both Bendtsen and Rübzig were re-elected as MEPs in 2014 and

their DoFIs continue to show problematic outside interests or positions. Schulz's re-election as President of the European Parliament must go hand in hand with a renewed commitment to preventing conflicts of interest in MEPs. Particularly because there is an absence of information in the public domain as to whether or not President Schulz actually referred Bendtsen and Rübzig's cases to the Advisory Committee, as per Article 8 of the code.

C) "I medfør af adfærdskodeksens artikel 4, stk. 2, litra c), afgiver jeg erklæring om aflønnede regelmæssige aktiviteter, som jeg udfører sideløbende med udøvelsen af mit mandat, uanset om det sker som lønmodtager eller selvstændig."

Aktivitet	Indtægtskategorier <sup>2</sup>			
	1	2	3	4
1. Bestyrelsesmedlem i Lauritzenfonden		X		
2. Bestyrelsesmedlem i Esvagt (< 500)				
3. Medlem af Danske Banks repræsentantskab (< 500)				
4. Nordic Synergy Park (< 500)				
5.				

D) "I medfør af adfærdskodeksens artikel 4, stk. 2, litra d), afgiver jeg erklæring om min deltagelse i ledelsen eller bestyrelsen for erhvervsvirksomheder, ikke-statslige organisationer, foreninger eller enhver anden form for organ med status som juridisk person eller udøvelse af enhver anden form for ekstern virksomhed, uanset om det sker mod vederlag eller ej."

Deltagelse eller virksomhed	Indtægtskategorier <sup>2</sup>			
	1	2	3	4
1. Bestyrelsesmedlem i Lauritzenfonden		X		
2. Bestyrelsesmedlem i Esvagt (< 500)				
3. Medlem af Danske Banks Repræsentantskab (< 500)				
4. Bestyrelsesmedlem i Nordic Synergy Park (< 500)				
5. Bestyrelsesmedlem i Seamall (ulønnet)				

<sup>2</sup> Regelmæssige indtægter, som medlemmet opgiver under hvert af punkterne i første afsnit, indplaceres i en af følgende kategorier:

1. fra 500 til 1 000 EUR brutto om måneden
2. fra 1 001 til 5 000 EUR brutto om måneden
3. fra 5 001 til 10 000 EUR brutto om måneden
4. over 10 000 EUR brutto om måneden.

to Greenland's natural resources in the EU's Raw Materials Initiative (highly relevant to the shipping industry) and the alleged "negative impacts" of Capital Requirement Directive IV banking regulation (pertinent to Danske Bank's interests).<sup>153</sup>

All of the outside interests described above were declared in Bendtsen's DoFI in the last Parliament, as detailed in Friends of the Earth, Corporate Europe Observatory, Lobby Control and Spinwatch's 2013 report 'New code, old conduct.'<sup>154</sup> At the time, Mr Bendtsen responded to a request for comment that his DoFI fulfils the requirements of the code of conduct. Despite a more recent request for comment and clarification, we have to date received no response.<sup>155</sup> Although concerns were raised about Bendtsen's potential conflicts of interest in 2011 and 2013 (see background above), no action, as far as is publicly known, has been taken. It is high time for the European Parliament to take its own Code of Conduct seriously enough to investigate whether Bendtsen's outside interests in shipping and finance, together with his duties and activities in the European Parliament, constitute a potential conflict of interest, and to make public any remedy or sanction applied. Furthermore, it is clear that advisory positions for companies that have a clear commercial interest in legislation and regulations that the European Parliament co-legislates should not be permitted.<sup>156</sup>

Bendt Bendtsen, DoFI [http://www.europarl.europa.eu/me-pdif/96705\\_DFI\\_LEG8\\_rev1\\_DA.pdf](http://www.europarl.europa.eu/me-pdif/96705_DFI_LEG8_rev1_DA.pdf) (Revision no 1 –05/03/2015 – most recent version as of 27 March 2015)

being listed as a client for prominent Brussels lobby firms Afore Consulting (< €50,000 July 2013 to June 2014), Fleishman-Hillard (€50,000 to €100,000 in 2013), G Plus Ltd (< €50,000 in 2013) and Kreab Gavin Anderson (< €50,000 in 2013).<sup>146</sup> Danske Bank also declares membership of several industry associations lobbying in Brussels, including the Association for Financial Markets in Europe (AFME) and the European Private Equity and Venture Capital Association (EVCA).<sup>147</sup>

Bendtsen sits on the ITRE committee, which is responsible for many dossiers related to shipping industry interests, from fuel regulations to Research and Innovation in the Blue Economy.<sup>148</sup> Amongst others, Bendtsen is also a substitute on the Committee on International Trade (INTA).<sup>149</sup> In October 2014, Bendtsen tabled a written question to the European Commission about the enforcement of rules on sulphur dioxide emissions from maritime shipping, concerning fines for use of heavy fuel oil being lower than savings made by using it.<sup>150</sup> Bendtsen also tabled a written question on Competition in the insurance broking sector in the EU, alleging that a Danish "payroll tax" disadvantages insurance brokers in Denmark.<sup>151</sup> Danske Bank offers insurance services.<sup>152</sup> These examples of Parliamentary activities that have strong cross-over with his outside industry interests follow-on from the well-documented cases of Bendtsen's activities in the previous Parliament. These included as an advocate for priority access for EU companies

# Paul Rübiger

Paul Rübiger is an Austrian EPP MEP, in office since 1996, who sits on the ITRE committee, amongst others, at the same time as declaring regular outside activity earning him €1001 to €5000 per month for WKÖ, the Austrian Federal Economic Chamber, a prominent business representation.<sup>157</sup> In the Transparency Register, WKÖ, which has a Brussels office, declares 13 lobbyists and an EU lobby expenditure of €900,000 to €1,000,000 in 2012.<sup>158</sup> Rübiger's DoFI also reveals that he receives staff support from the WKÖ Trainee Program (as well as from the Institut für Bildung und Innovation, a partner of IV OÖ<sup>159</sup> - see below).

Rübiger's DoFI also lists 17 committee and board memberships (all < €500 per month), including several prominent MEP-industry forums (such as the European Energy Forum (EEF) and the Kangaroo Group) and business groups (e.g. SME Europe and Industriellenvereinigung Oberösterreich (IV OÖ) - the Federation of Austrian Industries, which is a member of BusinessEurope).<sup>160</sup> Finally, he declares shareholdings in a string of companies, including 1% Rübiger GmbH & Co KG (metal-treatment firm), 46,65% UNIHA Wasser Technologie GmbH (water and waste water technology specialist), 24% PRO GmbH (founder) ("innovative non-metallic technologies").<sup>161</sup> Rübiger's parliamentary and legislative activity show him to be active in areas relating to the steel industry, more business-friendly impact assessments, enforcement of intellectual property rights, and many other areas of interest to a cross-sectoral business lobby.<sup>162</sup>

Rübiger's links to WKÖ were flagged up in 2011 and 2013, after WKÖ's then director of the industrial division revealed that Rübiger's role is to "report on current developments in Brussels" and "receive important information from industry", including "no-goes."<sup>163</sup> Rübiger at the time responded that because WKÖ is set up by Austrian federal law, and every entrepreneur in Austria is by law member of the WKÖ, including Rübiger who was elected to his role, WKÖ is not per se a lobby group.<sup>164</sup> WKÖ's specific role set out in Austrian law however does not change the fact that it is involved in lobbying at the EU level, representing both SMEs and powerful companies such as OMV, Raiffeisen bank and Austrian Airlines, which have direct commercial interests in the European Parliament's regulatory activities. Rübiger's remunerated involvement with WKÖ, apparently providing WKÖ with information that is used to lobby on legislation at the EU level, may therefore be considered as clear risk of a potential conflict of interest.<sup>165</sup>

In response to a recent request for comment on his DoFI, Mr Rübiger's office referred to its April 2013 response to similar questions, declaring that "These answers are still valid."<sup>166</sup> With regards to receiving staff support from the WKÖ Trainee Program, Rübiger's office stated in April 2013 that he "offers young people who participate in rotating trainee programs of WKÖ...to work for a limited period of time in his office to gain professional experience... A large part of the salary is paid out of Mr Rübiger's budget and

(C) „Gemäß Artikel 4 Absatz 2 Buchstabe c des Verhaltenskodex gebe ich jegliche vergütete regelmäßige Tätigkeit an, die ich neben der Wahrnehmung meines Mandats als Angestellter oder Selbstständiger ausübe.“

Tätigkeit	Einkommenskategorien <sup>2</sup>			
	1	2	3	4
1. WKÖ		X		
2.				
3.				
4.				
5.				

(D) „Gemäß Artikel 4 Absatz 2 Buchstabe d des Verhaltenskodex erkläre ich jegliche Mitgliedschaften in Leitungsorganen oder Ausschüssen von Unternehmen, nichtstaatlichen Organisationen, Verbänden oder sonstigen rechtmäßig geschaffenen Einrichtungen oder jegliche sonstige auswärtige Tätigkeit, die ich mit oder ohne Vergütung ausübe.“

Mitgliedschaft oder Tätigkeit	Einkommenskategorien <sup>2</sup>			
	1	2	3	4
1. Alumni Club HTL Steyr, Gypsum Forum				
2. EEF, EMF, IV OÖ, Kangaroo Group, K41				
3. EFSG, Paneuropäische Arbeitsgruppe der EVP, EPFC, PPTA				
4. Pro Wels West, Raw Materials Group				
5. SME Global, SME Europe, STS Council				
6. Intergroup Climate Change, Biodiversity & Sustainable Development				

<sup>2</sup> Jedes regelmäßige Einkommen, das Mitglieder für jede angegebene Funktion erhalten, wird in eine der folgenden Kategorien eingeordnet:

1. 500 EUR bis 1000 EUR brutto monatlich;
2. 1001 EUR bis 5000 EUR brutto monatlich;
3. 5001 EUR bis 10.000 EUR brutto monatlich;
4. mehr als 10.000 EUR brutto im Monat.

(H) Ich erkläre hiermit jegliche sonstigen finanziellen Interessen, die die Wahrnehmung meiner Aufgaben beeinflussen könnten:

Finanzielle Interessen:

1. Gesellschafter: 1% Rübiger GmbH & Co KG, 1% RWG, 1% RTG, 46,65% UNIHA Wasser Technologie GmbH, 24% PRO GmbH, Stifter PRO

Paul Rübiger DoFI, [http://www.europarl.europa.eu/mepdif/2278\\_DFI\\_revQ\\_DE.pdf](http://www.europarl.europa.eu/mepdif/2278_DFI_revQ_DE.pdf) (Original declaration – 06/06/2014 – most recent version as of 27 March 2015)

the trainees act under the full responsibility and exclusive authority of Mr Rübiger... This traineeship agreement was transmitted to the Secretary General of the European Parliament, who examined and confirmed the legality of this arrangement". This appears to suggest that the salaries of trainees who benefit from this scheme are partly financed from the MEP's budget and partly financed by WKÖ.

In his 2015 response, Mr Rübiger's office reiterated "the nature of the Federal Chamber as a self-governing body under public law, anchored in the Austrian Social Partnership and supervised by the Austrian Federal Ministry of the Economy. With regard to the traineeship agreement that you were referring to in your e-mail, we would like to repeat that it was transmitted to the Secretary General of the European Parliament who examined and confirmed the legality of this arrangement. Furthermore, the advisory committee on the code of conduct for MEPs has also reviewed the agreement without any conclusions in view of possible irregularities."

Despite the failure of the Parliamentary authorities - according to Rübzig's office, including the Advisory Committee on the code of conduct - to prevent a business representation engaged in lobbying the EU from part-financing trainee staff in an MEP's office, it is our view that this situation remains problematic in terms of the public perception, even if not the realisation, of undue influence. Given that all MEPs receive a maximum monthly allowance of €21,209 for their staffing arrangements, intended to guarantee the independence of MEPs and their staff, Rübzig's acceptance of extra staff support from a business group with commercial interest in influencing European regulations that he has a responsibility for drafting, inevitably raises concerns about possible undue influence.

Article 1 of the MEP code states that MEPs should “*act solely in the public interest and refrain from obtaining or seeking to obtain any direct or indirect financial benefit or other reward*”. Article 2 adds that MEPs shall “*not solicit, accept or receive any direct or indirect financial benefit or other reward in exchange for influencing, or voting on, legislation, motions for a resolution, written declarations or questions tabled in Parliament or any of its committees*”. MEPs accepting money from lobby groups to employ staff or employing staff who are linked to lobby groups are likely to increase the risk of a potential conflict of interests. Such practices should not be accepted by the parliamentary authorities and any payments already made should be disclosed. The Code of Conduct should be updated to stop MEPs from accepting any kind of support, be it staff or other support, from a third party.<sup>167</sup>

In 2013, we raised the point that Rübzig's DoFI illustrates how transparency does not automatically go hand in hand with accountability. The European Parliament's transparency system can only be effective if DoFIs are actively reviewed by the parliamentary authorities, and steps taken to prevent any risk of potential conflicts of interests when overlapping interests are detected.<sup>168</sup> Two years later, with Rübzig's DoFI still revealing significant links with business lobby WKÖ, this point couldn't be clearer. The MEP Code of Conduct should be updated to explicitly exclude being employed or receiving any other form of benefit or reward from an industry lobby group, a lobby consultancy or any other lobby actor. This must go hand in hand with measures to tackle and prevent possible conflicts of interests when they occur, including a reformed and extended mandate of the advisory committee, augmenting the existing remedies and/or sanctions, and ensuring these are being applied.<sup>169</sup>

# Conclusion and recommendations

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All of these cases, both new and old, show that the MEP Code of Conduct is not yet robust enough, nor being applied strictly enough, to prevent potential conflicts of interest from arising. For the sake of public interest law-making and the integrity of the European Parliament – as well as the *appearance* of these – the MEP Code of Conduct should be updated in a number of ways, many of which have been noted throughout this report.

Firstly, it should be explicitly clarified that advising or providing other lobby services to companies influencing the European Parliament is not permissible, and that the Code of Conduct is not only intended to make any and all private interests transparent, but includes measures to tackle and prevent possible conflicts of interests when they occur. As such, Article 3 should be rephrased to include a clear ban on MEPs holding side jobs or other paid work that could lead to a conflict of interest, including a list of clear criteria to define which activities constitute a conflict of interest.

These would include the following activities:

- Being employed or receiving any other form of benefit or reward from an industry lobby group, a lobby consultancy or any other lobby actor;
- Any lobbying or paid work to represent outside bodies (including law firms engaged in lobbying at the EU level, or carried out under the auspices of being a lawyer);
- Any paid or unpaid position on an advisory or supervisory board, or other position of power such as an executive or CEO, of companies operating in fields that MEPs are likely to regulate or which have an interest in influencing the European Parliament;
- Any type of holding (including shares and stock options) or other financial interest in companies operating in fields that MEPs are likely to regulate or which have an interest in influencing the European Parliament.

Tighter disclosure requirements for outside financial interests are also needed, including more detailed descriptions of otherwise ambiguous job titles or categories such as “Consultant”, “Expert”, “Lawyer”, “Economist”, etc, including listing clients and the subject and nature of, and fee for, the consultancy service provided to each client. Smaller and regular bandwidths for outside earnings should also be introduced, including requiring any monthly income higher than €10,000 to be fully disclosed, to correct the existing effect that the more an MEPs earns on the side, the less we have a right to know. In order to prevent attempts of policy capture of individual members in their duties, MEPs should furthermore not be allowed to accept any kind of support, be it staff or other support, from any third party, with the exception of political parties.

The composition of the advisory committee on the Code of Conduct for MEPs should also be reformed, to be comprised of external independent ethics experts, and mandated to investigate any potential conflict of interest as required. It is not good practice for colleagues to ‘judge’ or even advise other colleagues, and the track record of a lack of action on DoFIs that reveal potential conflicts of interest adds weight to this. The committee should also be able to investigate complaints made by stakeholders or the general public, proactively conduct spot checks on the DoFIs submitted by MEPs for plausibility, and investigate any inconsistencies or lack of accuracy in the data. This requires a well-resourced secretariat to carry out effective monitoring and investigations.

Finally, the existing remedies and/or sanctions should be augmented, together with efforts to ensure these are being applied when conflicts of interest occur (for more details see ALTER-EU’s March 2015 briefing), and public disclosure of any remedy or sanction applied to an MEP.<sup>170</sup>

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# Credits

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