

ALTER-EU
Alliance for Lobbying Transparency and Ethics Regulation
Rue d'Edimbourg 26
1050 Bruxelles
info@alter-eu.org
EUTR registration: 2694372574-63



Commissioner Günther Oettinger
DG Energy
1049 Brussels

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Dear Commissioner Oettinger,

Commissioners and the revolving door

As the Barroso II Commission nears the end of its term in office, the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) would like to bring your attention to the rules which govern former commissioners' professional activities once they have left office. We are writing to all current EU commissioners in identical terms.

ALTER-EU is concerned about the revolving door ie. when public servants leave their EU jobs and start working for big business, lobby firms or other jobs which involve a conflict of interest, or the perception of a conflict of interest. When this happens, Brussels becomes even more remote from citizens' concerns and the public interest. In 2010 when the Barroso I Commission left office, six out of the departing 13 commissioners moved to the private sector and / or lobby jobs which created a lot of media attention and public concern.

In 2010, former commissioners expressed confusion about the rules governing this area. We hope that in 2014 the situation will be different and that there will be no occasion where a former commissioner does not followed the rules. To this end, we thought it would be helpful if we briefed all current commissioners about the revolving door rules.

The revolving door rules for commissioners can be found in the code of conduct for commissioners (available at: http://ec.europa.eu/commission_2010-2014/pdf/code_conduct_en.pdf) and article 1.2 stipulates the following:

- An 18 month notification period: for 18 months after a commissioner leaves office, s/he must notify the Commission if s/he plans to take up new professional activities. These activities will then be scrutinised by the Commission for possible conflicts of interest
- An 18 month lobbying ban: for 18 months after a commissioner leaves office, s/he may not undertake lobbying or advocacy with any commissioner or staff member at the Commission on issues relating to their former mandate

Further steps to prevent potential conflicts of interest: ALTER EU's recommendations

ALTER-EU considers that the rules within the code of conduct are a good first step but that they remain inadequate to fully prevent all possible risk of conflicts of interest when former commissioners leave office. As a result, we advocate that all departing commissioners follow the following guidelines until the code of conduct can be revised:

- The notification period for former commissioners should be extended to three years to match the period of time for which ex-commissioners are entitled to receive a transitional allowance.
- The ban on lobbying should also be extended to three years and should cover all issues for which the Barroso II Commission has taken collective decisions, as well as all issues dealt with by an individual commissioner. Any other role which could create a conflict of interest should also be included within this ban.
- The ban on lobbying should include both direct and indirect lobbying such as the provision of lobbying advice.
- Commissioners should provide all possible information about their new role when seeking authorisation.
- Commissioners should not negotiate new roles whilst in office.
- Commissioners should not make commitments about future professional activities before informing the Commission about this possible future employment and receiving a formal written authorisation from the Commission.

We hope that you will choose to follow these enhanced guidelines which are designed to minimise the risk of conflicts of interest.

As you will know, there is significant and legitimate public and media interest in these matters across Europe. We encourage you to both follow the current rules as well as the ALTER-EU recommendations governing former commissioners' professional activities once they have left office, in order to avoid the scandals of the Barroso I Commission.

ALTER-EU will watch developments closely to ensure that the risks of conflicts of interest which arise from commissioners' new roles are adequately dealt with. Please do not hesitate to contact us if you have any questions about these issues. We look forward to hearing from you about these very important matters.

Yours sincerely,

ALTER-EU steering committee:

Max Bank (LobbyControl)

Helen Darbshire (Access Info Europe)

Paul de Clerck (Friends of the Earth Europe)

William Dinan (SpinWatch)

Jorgo Riss (Greenpeace European Unit)

Erik Wesselius (Corporate Europe Observatory)

Yuklan Wong (European Federation of Journalists)