



**Friends of  
the Earth  
Europe**

# **Transparency in the European Parliament**

**Analysis of the Declarations of Financial  
Interest of Members of the European  
Parliament – July 2012**

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## Transparency in the European Parliament

### Analysis of the Declarations of Financial Interest of Members of the European Parliament – July 2012

#### Introduction

In March 2011, Members of the European Parliament (MEPs) were caught red-handed accepting money for tabling amendments to legislation. What was soon to be referred to as the 'cash for amendments' or 'cash for law' scandal<sup>1</sup> caused an outcry in Brussels circles. In response, Jerzy Buzek, then President of the European Parliament, started a process to set up an ethics code for the institution, which had, until then, been missing. The 'Code of conduct for Members of the European Parliament with respect to financial interests and conflicts of interest'<sup>2</sup> was agreed at the end of 2011 and entered into force on January 1<sup>st</sup> 2012.

One of the implementation tools used for the code is laid out in Article 4, and consists of a Declaration of Financial Interests (DoFI) that each MEP must submit<sup>3</sup>. This DoFI encompasses a number of different elements, from the MEP's occupation during the three-year period before taking office, to his/her membership of boards or committees. For each activity declared, the MEP has to indicate the related category of income received.<sup>4</sup> The DoFI is subsequently published on the Parliament's website, on each MEP's individual profile page. Under Article 7 of the code of conduct, an advisory committee<sup>5</sup> has been established to provide advice to MEPs that have questions or encounter problems when filling in their DoFI.

Six months after the code of conduct entered into force, and given that all MEPs have an obligation to submit an updated DoFi, a first assessment of this initiative is worthwhile. Are the MEPs doing their part through an accurate declaration of their past and current activities? Is the information provided reliable and complete? Which elements could be modified in order to improve the quality and accessibility of the information given by the MEPs?



#### Rationale

Friends of the Earth Europe has reviewed the DoFI of all 754 MEPs with the aim of assessing if, in accordance with the new ethics code, they provide greater transparency. An ethics code and a new format of DoFI are new developments this year and we have made a number of suggestions for improvements for European Parliament President Martin Schulz, who is responsible for the implementation of the code, as well as the advisory committee.

<sup>1</sup> <http://www.bbc.co.uk/news/world-europe-12806955>

<http://www.theparliament.com/latest-news/article/newsarticle/eu-parliament-launches-probe-into-cash-for-laws-meps/#.UAP-LpFHTcs>

<sup>2</sup> Available on [http://www.europarl.europa.eu/pdf/meps/201206\\_Code\\_of\\_conduct\\_EN.pdf](http://www.europarl.europa.eu/pdf/meps/201206_Code_of_conduct_EN.pdf)

<sup>3</sup> [http://www.europarl.europa.eu/pdf/meps/201206\\_Decl\\_financial\\_interests\\_EN.pdf](http://www.europarl.europa.eu/pdf/meps/201206_Decl_financial_interests_EN.pdf)

<sup>4</sup> Four categories of income are set up: 500 to 1 000 EUR a month (1); 1001 to 5 000 EUR a month (2); 5 001 to 10 000 a month (3); more than 10 000 a month

<sup>5</sup> <http://www.europarl.europa.eu/aboutparliament/en/0081ddfaa4/MEPs.html>

We have also indicated where we believe MEPs have not provided the requested information and further investigation is needed.

This systematic review of every DoFI is the first of its kind. Friends of the Earth Europe hopes that political and civil society stakeholders will find this data collection relevant and useful.



## Methodology

This research was conducted by a manual screening of the declarations of interest of all 754 MEPs in office, over one month between June 8, 2012 and July 9, 2012. The information contained in this report was last updated on July 9, 2012. Due to the lack of an automatic 'flagging system' when DoFIs are updated, it is not possible to guarantee that no updates were carried out by MEPs during the period of research.

### Have all MEPs submitted their Declaration of Financial Interests?

Six months after the launch of the code of conduct and three months after the official time limit for submitting the new DoFI<sup>6</sup>, almost all MEPs have submitted their declarations. The few MEPs who have not submitted their declarations, at the time of the publication of this report, can justify this absence by their recent advancement to acting MEP. In such cases, MEPs have to submit their declaration within 30 days. Friends of the Earth Europe contacted those MEPs to remind them of their obligation to submit their declaration as soon as possible.

This near perfect record of submissions of the DoFIs could be a sign of the willingness of MEPs to improve transparency and citizen scrutiny over their activities. However, quantity is not the same as quality, which can be observed in the review of the 754 DoFIs.

### How many Declarations of Financial Interests are empty?

Submitting a valid declaration is easy: a name, a date and a signature is all that is needed. Clearly, such a declaration would not have much relevance for transparency matters, yet too many MEPs seem to consider that this minimal information allows for proper transparency.

For the purpose of the research, we considered 'empty' declaration forms that do not provide any information (other than name and date). In order to assess whether the declaration exercise was taken seriously by such MEPs, and that an empty declaration does not simply indicate that an MEP has nothing to declare, we used the first question of the DoFI as the point of reference. In question A, the MEP has to declare 'occupation(s) during the three-year period before I took up office with the Parliament'. Given the prominence that an election to the European Parliament represents, it is logical to assume that, with few exceptions, almost all MEPs did have a professional occupation prior to the beginning of their mandate. Therefore, a declaration named and dated but without any of the relevant categories filled in, including Question A, is considered 'empty'

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<sup>6</sup> 30<sup>th</sup> of March was set up as the deadline for MEPs already in office to update their DoFI under the new format.

**11.7% of the declarations submitted were found empty**, meaning that 88 of the 752<sup>7</sup> MEPs who had to submit their DoFI, filled it in improperly. This high proportion leads us to believe that a small but significant number of MEPs barely took the time to read the questions, evidently not considering it worth their time (or their assistant's time) to provide even the most basic information, such as their previous occupation.

### Is the information delivered by the declarations accurate?

The advisory committee does not have a proactive investigative competence to review and investigate the information submitted in the declarations. Under the current text of the code, the committee can only be involved either at MEPs' requests for guidance or at the request of the President of the Parliament. The committee does not review all the DoFIs submitted by MEPs to assess their validity. Therefore, **it is not possible to guarantee that the information delivered in the current declarations is accurate**. MEPs might not fill in all of his or her previous occupations or memberships or board functions. Indeed, following random checks, we found examples where the non-mandatory resume available on an MEP's webpage is actually more extensive than his or her official and mandatory DoFI.

To illustrate the difficulty of guaranteeing that all data in the DoFIs is accurate, we offer the following examples where the information provided is clearly questionable or incomplete.

**Jens Rohde** (Denmark - ALDE), MEP since 2009, indicates that before taking office he was "Master of the univers" with a monthly salary above 10,000 euros...

Erhvervsarbejde eller deltagelse	Indtægtskategorier <sup>1</sup>			
	1	2	3	4
1. <i>Master of the univers</i>	X	X	X	X
2.				
3.				

**Brice Hortefeux** (France - EPP), MEP since March 2011, fails to mention that he was successively Minister of Immigration, Labour and Home Affairs under the presidency of Nicolas Sarkozy, prior to taking up his MEP mandate.

**Antonio Cancian** (Italy - EPP), MEP since 2009, is elusive and declares simply previous 'activities' and 'participations' but not what the nature of his former occupations was.

<sup>7</sup> The statistics were carried out based on a review of 752 declarations, since the two most recently appointed MEPs are still within the 30 days time frame for submitting it.

Attività o partecipazione	Categorie di reddito <sup>1</sup>			
	1	2	3	4
1. ATTIVITÀ 2006				X
2. PARTECIPAZIONE 2006				X
3. ATTIVITÀ 2007				X
4. PARTECIPAZIONE 2007				X
5. ATTIVITÀ 2008				X
6. PARTECIPAZIONE 2008				X

We therefore recommend that the advisory committee undertakes random checks in order to assess the validity of information in the DoFIs.

### Are the declarations designed for public scrutiny?

In order to submit a declaration, an MEP has to download the form<sup>8</sup>, fill it in and then return it by e-mail to the Parliament's administration and send the signed original to the Members' Administration Unit. When researching the DoFIs we encountered a number of difficulties that external stakeholders will face.

#### ○ Language of the declarations

The declarations can be filled out in each of the official languages of the European Union. While the language diversity of the EU is crucial to ensure that citizens can read the DoFIs of their 'own' MEPs, the lack of translation of the declarations into one of the procedural languages of the European Commission<sup>9</sup> reduces the possibilities for citizens, media, civil society groups and other stakeholders from other countries to read, understand, and scrutinize them.

#### ○ Handwritten declarations

64.9% (that is 488 out of 752) of the declarations are handwritten. For most of these, the handwriting is not a problem and the declaration is still legible. However, in some cases, illegible handwriting and bad scanning of the document make it extremely difficult (if not impossible) to read the document. For example:

<sup>8</sup> The Declaration is available in each official language on <http://www.europarl.europa.eu/aboutparliament/en/0081ddfaa4/MEPs.html>

<sup>9</sup> [http://ec.europa.eu/languages/languages-of-europe/eu-languages\\_en.htm](http://ec.europa.eu/languages/languages-of-europe/eu-languages_en.htm)

Activité	Catégories de revenus <sup>1</sup>	
	1	2
1. Conseil général de la Courze	< 500 €/mon	
2. Officier de justice	0	
3. Officier de justice	0	
4.		

Członkostwo lub działalność	Kategorie dochodów <sup>1</sup>	
	1	2
1. wiceprezident Rady Nadzawczej GPK		
2. - bezopłatne - nieopłatne		
3.		
4.		

Ammatillinen toiminta tai jäsenyys	Tuloluokat <sup>1</sup>	
	1	2
1. Konsultointi, luennointi MitroToni Oy		X
2. Pastori Higin out. ssk.		X
3.		

○ Lack of a searchable database

Currently, the only way to find out how many MEPs have second jobs, membership of boards or committees, or other remunerated activities, is by investigating all of the 754 DoFIs (a time-consuming task). There is no central, searchable system allowing for user-friendly comparisons of DoFIs or aggregation of data.

The language and handwriting problems, combined with the lack of central search functions, limit the possibility for citizens, media and other stakeholders to get comprehensive access to the data collected and presented by MEPs. Transparency with limited public scrutiny will not necessarily lead to further accountability of the European Parliament. **Therefore, we recommend that the Parliament takes steps to improve the accessibility and search possibilities of the DoFIs.**

## Responses from MEPs on the specific questions in the declaration

	A. Previous occupation	B. Mandate in other Parliament	C. Outside remunerated activity	D. Membership to boards or committees	E. Occasional remunerated outside activity	F. Holding or Partnership with public implication or significant influence	G. Financial or staff support from outside entities	H. Any other financial interests
<b>YES</b>	75.4%	6.3%	15.7%	51.5%	6.1%	6%	8.1%	2.8%
<b>NO</b>	12.9%	82%	72.5%	36.8%	82.2%	82.3%	80.2%	85.5%
<b>Not submitted</b>	11.7%	11.7%	11.7%	11.7%	11.7%	11.7%	11.7%	11.7%

- **Question (A)** “Pursuant to Article 4(2)(a) of the Code of Conduct I declare my occupation(s) during the three-year period before I took up office with the Parliament, and membership during that period of any boards or committees of companies, non-governmental organisations, associations or other bodies established in law:”

**567 of 752 MEPs (75.4%) declare at least one occupation before taking office. 97 (12.9%) declare not having had any, and 88 (11.7%) left their declarations empty.**

The relatively high number of MEPs who left the first question empty while filling in the rest of the declaration can be partly explained by a lack of common understanding over what type of response was expected. The phrasing “I declare occupation(s) during the three-year period before I took up office with the Parliament” is not explicit enough as regards what the three-year period refers to: is it the three-year period before the first mandate of the MEP or the three-year period before the current mandate? Despite this being addressed in the “User’s manual on the code of conduct”<sup>10</sup>, the variety of responses leads us to believe that there was confusion on what to write, especially for MEPs with multiple former mandates: some left the question empty, while others mentioned their previous mandate as an MEP, and others declared their occupation prior to their *first* mandate.

**Nevertheless, it seems unrealistic that almost 25% of MEPs had no previous jobs in the three-years prior to taking up office in the European Parliament.** A significant number of MEPs appear not to have made the effort to properly answer this question, which also casts doubt on whether or not they filled in other parts of the DoFI in an accurate way.

<sup>10</sup> Does the three-year period declaration under section (A) cover the whole of the Member’s term in office or just the current term since 2009?

Members who have been elected to multiple and successive periods of office should declare occupations performed during the three-year period prior to their current parliamentary term.



- **Question (B)** "Pursuant to Article 4(2)(b) of the Code of Conduct and Article 2 of the Implementing Measures for the Statute for Members I declare my salary which I receive for the exercise of a mandate in another parliament:"

**47 out of 750 MEPs<sup>11</sup> (6.3%) declare a mandate in another Parliament, 615 declare none**, while 88 did not fill in the DoFI. However, this number may not provide an accurate picture of the remaining national or international political responsibilities that MEPs have. Indeed the term “mandate in another parliament” seemed unclear as to whether it only refers to national parliaments or also includes other public bodies. Some MEPs mentioned in this category their mandate in regional councils or city councils, while others mentioned the same type of mandate in Questions D or under the “additional information” category.

- **Question (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:"

**118 MEPs (15.7%) declare a remunerated outside activity, 544 declare none**, while 88 did not fill in their DoFI.

95 MEPs (80.5% of the 118 MEPs declaring remunerated outside activities), declare having one outside activity.

N° of remunerated activity	1	2	3	4	5	6
N° of MEPs	95	15	4	2	1	1

19 MEPs (16.1% of the 118 MEPs declaring remunerated outside activities) do not declare any income from their “remunerated” activity.

Category of income	No income declared	Less than 500 €	1	2	3	4
N° of MEPs	19	4	36	45	5	9

- **Question (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:"

**387 of 752 MEPs (51.5%) declare memberships of boards or committees, 277 declare none**, while 88 did not fill in their DoFI. **Among those who declare memberships of**

<sup>11</sup> For questions B and C, the data collected has been made on 750 cases since two DoFI submitted had the relevant page missing

**boards or committees, 39.3% declare having more than three memberships (152 MEPs out of the 387).**

The answers to question D are very diverse, from presence on the boards of private companies and foundations to intergroups and non-government organisations, but also including responsibilities in national or European political parties, or mandates as regional councillors or city mayors. Most of these memberships are declared as unpaid responsibilities.

- **Question (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:"

**46 out of 752 MEPs (6.1%) declare having outside activities with a total remuneration exceeding 5,000 euros a year.** The activities mentioned in this category mostly concern book royalties, academic lectures, conferences, media appearances and journalistic articles.

- **Question (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:"

**45 of 751 MEPs (6%)<sup>12</sup> declare having holdings in companies or partnerships, 618 declare having none** while 88 did not file their DoFI.

As regards question F, it is worth stressing the ambivalent phrasing of the sentence. Requesting that only holdings with potential public policy implications, or that give the MEP a significant influence, be declared leaves it up to the MEPs themselves to interpret which of their shares and participations need to be declared. This risks creating confusion in the responses or excluding some holdings or participations from the declaration because of a difference in personal interpretations. Moreover, it is not whether or not the MEP has influence over a company that is relevant, but rather whether having the holding is likely to influence the MEP in his or her mandate.

**We recommend that the user's manual stipulates that MEPs with holdings or partnerships in companies that operate in a field where the European Parliament develops legislation, should declare them, as these have public policy implications.**

- **Question (G)** "I declare any support whether financial or in terms of staff or material, additional to that provided by Parliament and granted to me in connection with my political activities by third parties, whose identity shall be disclosed:"

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<sup>12</sup> For questions F and G, the data collected has been made on 751 cases since one DoFI submitted had the relevant page missing

**61 MEPs (8.1%) declare having received financial support, staff or materials from third parties**, in addition to what is provided by the European Parliament. The identity of the provider is usually disclosed. Most of the providers are public or political bodies, usually a regional council, a city or a political party. In a few cases, the provider is a private company, foundation or intergroup but its identity is also disclosed.

- **Question H** “I declare any other financial interests which might influence the performance of my Duties”

On a total of 752 MEPs, **21 MEPs answered having other financial interests.**

- As for **question I** - “Any additional information I wish to give”- we did not encounter any relevant content among the very few answers provided.

## Conclusions and recommendations to President Schulz and the European Parliament authorities

The fact that all MEPs have filled in their Declaration of Financial Interests (DoFI) is a good starting point to the transparency process initiated by the new ethics code. This suggests that there is awareness among MEPs of the need to improve transparency and abide by ethics rules, after last year's 'cash for amendments' scandal.

However, that almost one in four MEPs declare that they did not have any occupation in the three-year period before taking up office with the European Parliament - or imply so by failing to declare any occupation - raises questions about the accuracy of the data provided and the seriousness of a number of MEPs when filling in the DoFI.

**We call on President Schulz to investigate whether the data provided by MEPs regarding previous occupations is correct**, and if not, ensure that the public is provided with a more accurate overview than is presently available.

Regarding the other questions in the DoFI, we found that 15.7% of MEPs declare outside remunerated activities, 51.5% mention membership(s) of boards or committees, and 6% declare holdings in companies or partnerships. Thus, a majority of MEPs declare outside interests.

Friends of the Earth Europe believes that **President Schulz needs to initiate a review to assess if external financial or non-financial interests could result in potential conflicts of interest for MEPs**. As MEPs have to decide on policies and legislation touching upon a wide range of issues, it is crucial that they do not have outside financial interests - such as paid second jobs or shares in companies - that might influence their decisions. In case of such potential conflicts of interest, the Parliament needs to take measures to remedy this situation.

In order to **improve the accessibility and accuracy of the information submitted by MEPs**, Friends of the Earth Europe makes the following recommendations:

- the DoFI should be filled in online before being uploaded into a searchable database that allows the aggregation of data for the nine questions;
- the DoFI should be translated into at least one 'procedural language' of the European Commission, such as English, French or German, in order to enable better access and scrutiny by interested citizens, journalists and other stakeholders;
- a fixed date - twice a year - for MEPs to update their DoFI should be introduced;
- the advisory committee should clarify its interpretation of the sentence "occupations during the three-year period before I took up office with the Parliament" in order to guarantee a common understanding among MEPs, and harmonized answers;
- the advisory committee should extend the scope of question B from "the exercise of a mandate in another parliament" to any other mandate or nomination in any public body in their country (national, regional, local) or internationally;
- MEPs with holdings in companies or partnerships are more likely to be in a position of conflict of interest if these organisations operate in a field where the European Parliament is regulating or likely to regulate. Therefore the user's manual should explicitly stipulate that when MEPs have holdings or partnerships with companies that

operate in a field where the European Parliament develops legislation, MEPs must declare them, as they have public policy implications;

- the responsible parliamentary authorities should create a specific category for membership of, or participation in, intergroups and joint MEP-business groups.

**Finally, we propose to extend the mandate of the advisory committee** to not only provide advice on how to fill in the DoFI but also to undertake random checks to assess the accuracy of the submitted declarations and investigate any potential conflict of interest.



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**Friends of the Earth Europe** campaigns for sustainable and just societies and for the protection of the environment, unites 30 national organisations with thousands of local groups and is part of the world's largest grassroots environmental network, Friends of the Earth International.