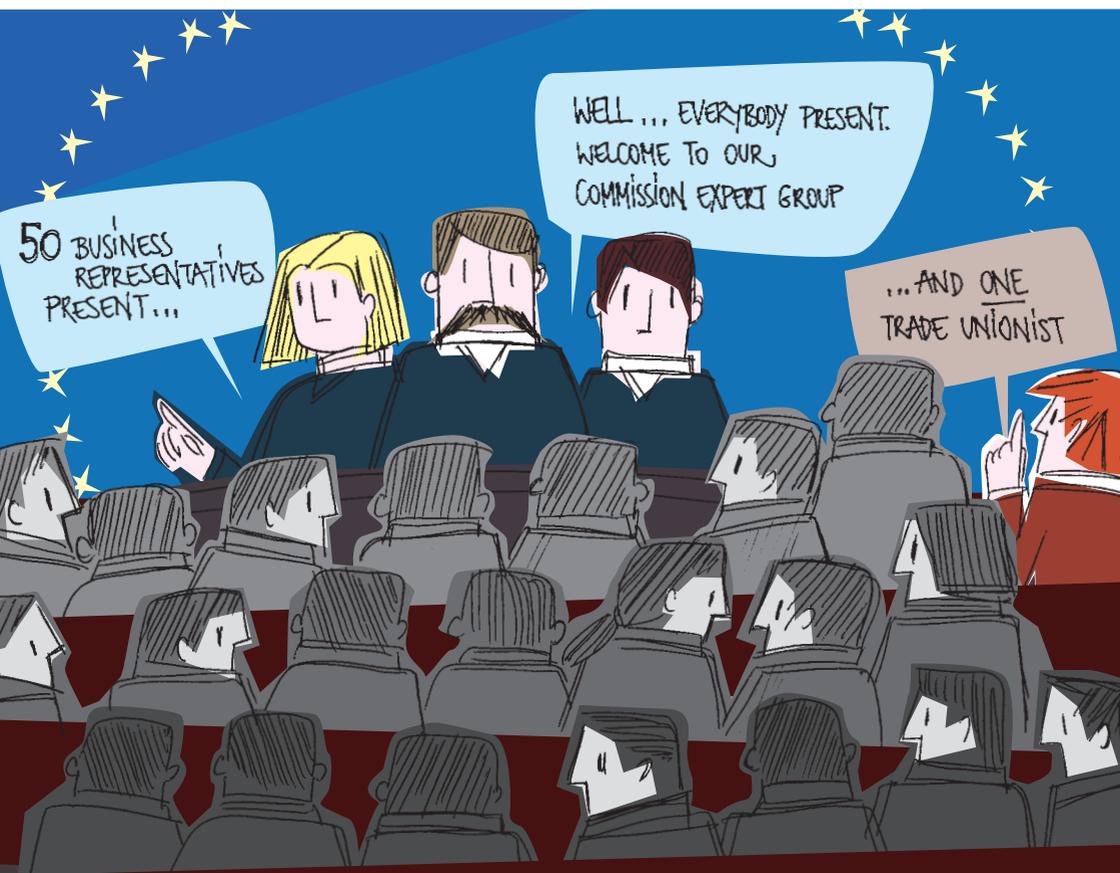


# LOBBYING IN BRUSSELS

BREAKING THE EXCESSIVE POWER OF CORPORATIONS



GERECHTIGKEIT MUSS SEIN



## ENSURING A BALANCED REPRESENTATION OF INTERESTS IN THE EU

Political decisions are supposed to be taken only after all the relevant and varied interests have been given equal consideration. At the European Union level, however, it is clear that the tone is overwhelmingly set by large corporations and the financial sector. This is apparent both in the numbers of lobbyists acting to represent business interests in Brussels, and also due to the fact that it is overwhelmingly individuals with links to companies and their associations who are engaged as experts in legislative activity.

The EU Treaty clearly states, at the very beginning, that one of the core aims of the European Union is to promote the well-being of its peoples. However, this is only possible if a balance is maintained between the various interests within the European Union. Irrespective of whether those interests are related to employment, consumer protection, the environment, health, education or economic policy. The population of Europe will only identify with the European Union if their concerns are addressed. The well-being of the population is not an issue for commercial enterprises, but is an issue of concern for all of us!

This booklet gives an overview of the status quo in respect of lobbying in Brussels and puts forward suggestions for achieving a fairer representation of interests at the European Union level.

Rudi Kaske,  
Chamber of Labour (AK)  
President

Werner Muhm,  
Chamber of Labour (AK)  
Director

LOBBYING IN BRUSSELS -  
BREAKING THE EXCESSIVE POWER  
OF CORPORATIONS

September 2015

# TABLE OF CONTENTS

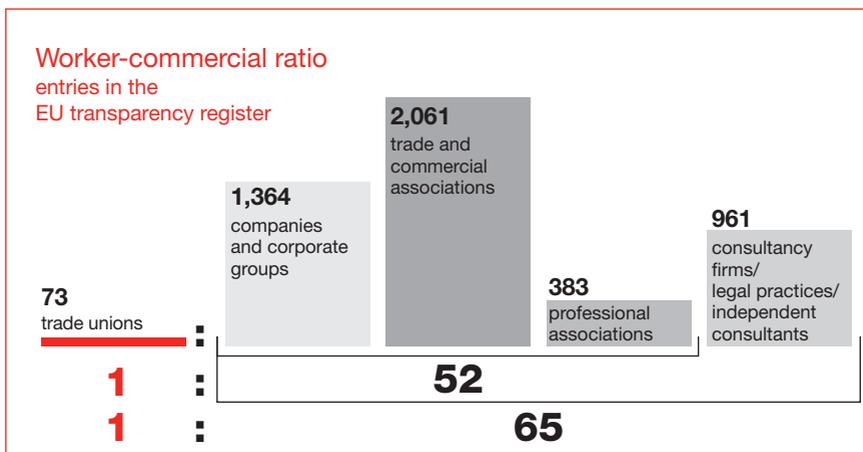
<b>Introduction</b>	<b>3</b>
<b>A. The development of lobbying</b>	<b>5</b>
<b>B. The EU Transparency Register for lobbying</b>	<b>9</b>
<b>C. Expert groups of the Commission</b>	<b>15</b>
The Commission's unbalanced staffing policy	15
Intransparent working methods and small steps to improvement	20
<b>D. Transparency in the European Parliament</b>	<b>23</b>
<b>E. Code of conduct for members of the Commission and EU civil servants</b>	<b>27</b>
Statutes for civil servants	28
Need for action by the President of the European Council	30
<b>F. Need for action from the perspective of EU citizens</b>	<b>31</b>
<b>G. Follow lobbying - collection of links</b>	<b>34</b>

# THE STRUGGLE AGAINST THE DOMINANCE OF COMMERCIAL INTERESTS AND FINANCE IN BRUSSELS

For years, lobbying by large corporations, commercial associations and the professional lobbyists acting on their behalf has dominated the political agenda of Europe. These special interests very often manage - by way of focused lobbying - to prevail in the European legislative process. Other interests - such as those of employees, the environment and civil society, which do not have the same levels of financial and personnel resources, are often completely left out of the decision-making process. The British political scientist and sociologist, Colin Crouch, has described this situation as post-democratic: a society in which although democracy continues to exist (elections, the rule of law), there is in fact a commercial and political elite that have assumed power, with the latter primarily representing the interests of the former.

As an AK study in 2012 has already shown, employees are massively under-represented in Brussels and account for only 1 - 2% of all the interests represented in Brussels. The EU transparency register shows a similar picture hence a dramatic imbalance between commercial and employee interests. Even if one limits oneself to a direct comparison of the trade unions represented in Brussels with their corresponding companies and associations, the ratio is around 1:50. If consultancy firms, legal practices and professional lobbyists are included in this calculation, the mismatch is even more obvious, the ratio would be 1:65. Additionally, the covert lobbying by deliberately non-registered companies, associations and think tanks, as well as their greater capital resources at the disposal of commercial side increase the ratio.

The Chamber of Labour (AK) has for many years stood against the dominance of commercial and financial interests and is committed to giving employees and consumers an equal voice in Brussels. Since 2012, the AK has been a member of ALTER-EU (Alliance for Lobbying Transparency and Ethics Regulation) – a broad European coalition of more than 200 organisations and individuals (including trade unions, NGOs and academics) with a mission to challenge commercial lobbying in the EU. As part



Source: EU transparency register, request of 26th August, own portrayal

of this network, and during the lead up to the 2014 elections, the AK took part in a pledge campaign directed at the European Parliament candidates. More recently, the AK supported the call from more than 100 organisations, in which the relevant EU Commissioner, Frans Timmermans, was requested to finally make the voluntary EU transparency register compulsory. This has been a demand of the AK ever since the inception of the transparency register (Number 23869471911-54).

In this booklet, we want to call attention to (and give an overview of) the current “working areas” in the Brussels lobby jungle: which ranges from the EU transparency register, the EU Commission’s expert groups and the revolving door phenomenon, right through to the debate on rules of conduct for Commissioners, Members of the European Parliament and officials. The booklet includes not only numerous current examples and a list of links to further information, but also - at the end of each chapter - a catalogue of demands that the AK intends to use to position itself in the coming political debates.

We wish you an informative read!

## A. THE DEVELOPMENT OF LOBBYING

Lobbying has probably been around as long as public bodies have been in existence. Individuals, organisations and companies have always tried to promote their interests among representatives of the public sector. But the question has to be asked, on what scale should individual interests be taken into account. Public bodies and legislation must be particularly careful when taking decisions to ensure that they satisfy the needs of the population without in the process disadvantaging any one part of it. At the European Union level, these considerations especially apply to the European Commission, the European Parliament and the Council, which are confronted by lobbyists on a daily basis.

Yet how has the lobbying of EU institutions developed over recent decades? For a long time, there was no data available on the numbers of lobbyists active in Brussels or in the interest groups they represented. In 1993, the EU Commission mentioned lobbying for the first time, declaring that an open and structured dialogue between the Commission and certain interest groups would be valuable. The Commission estimated that the number of organisations involved in lobbying amounted to around 3,000 interest groups employing some 10,000 individuals.<sup>1</sup> So, even when the European Community in 1993 consisted of just 12 member states, there was already a considerable number of lobbyists around.

### European Trial of Strength - measuring European Forces by Dieter Plehwe

A study commissioned by AK Vienna looked into which interest groups the lobbyists are allocated to and the power ratio of commercial lobbyists to interest representatives from the employee sector.

<http://bit.ly/PLq6X2>



Towards the end of the 1990s and the beginning of the new millennium, the criticisms held by employee- and non-governmental organisations regarding the lack of transparency in contacts between EU institutions and (commercial) lobbyists became ever greater. The European Commission therefore ushered in a European Transparency Initiative in 2005 that was intended to quell the criticisms of civil society. The following measures were announced by the Commission:<sup>2</sup>

- The publication of a list of expert committees advising the Commission
- A wide consultation of stakeholders and in-depth impact assessments, intended to guarantee the interests of the citizens of Europe and all parties concerned
- A code of “good administrative behaviour”, containing professional and ethical framework regulations for the Commission’s officials
- Regulations governing access to unpublished documents of the EU institutions

In addition, a transparency register was to be introduced in 2008, in which organisations active in the lobbying of EU institutions could register. Unfortunately, any lobbyists not wanting to appear in the register were still able to continue their activities, because even today registration is entirely voluntary.<sup>3</sup>

The measures implemented did indeed bring more transparency in respect of contacts between lobbyists and the decision-making of the EU Commission and EU Parliament. At the same time, however, the measures substantiated the criticisms of the non-governmental organisations, since they demonstrated that commercial lobbies not only had the upper hand, but were also more likely to be listened to. In fact, commercial lobbyists have the greatest influence on most of the expert committees (see in particular the chapter entitled “Expert Groups of the Commission”). Dieter Plehwe of the Berlin Social Research Scientific Centre (Berlin Wissenschaftszentrum für Sozialforschung) established, in a study published in 2012, that around two-thirds of all lobbyists at the EU level are pursuing commercial interests. In comparison to that, employee organisations make up just 1-2% of all EU lobbying.<sup>4</sup>

Who did the European Commission meet in 597 behind-closed-doors meetings on TTIP?

Public Interest Groups

9%

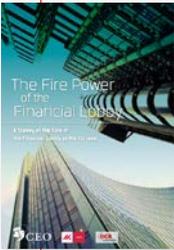


A further study on the power of the financial industry established that the financial sector employs 1,700 lobbyists in Brussels and annually earmarks around 120 million euros for lobbying at the EU level. The financial sector is massively over-represented in the relevant consultative expert groups of the Commission, with the financial lobby dominating 15 of the 17 groups.<sup>5</sup> Thus it is no great surprise in which direction policy is usually set.

The importance given by the EU Commission to corporate lobbyists is demonstrated in an ALTER-EU study, which shows that the Commission's high-level meetings are controlled by business lobbyists. Depending on the topic, between 75 and 80% of the participants at these meetings come from corporate organisations.<sup>6</sup> The Corporate Europe Observatory obtained similar results, having undertaken an analysis of lobbying associated with the negotiations of trade agreements between the EU and the USA (TTIP). Between January 2012 and February 2014, the EU Commission held 597 meetings with lobbyists, with 528 (88%) of these being with business lobbyists and just 53 (9%) with representatives of civil society. So, for every meeting with a trade union or consumer representative, there were 10 meetings with the business lobby.<sup>7</sup>

The new version of the voluntary transparency register introduced at the beginning of 2015 should provide more accurate data as to the scale of lobbying in Brussels; around 8,200 organisations are currently registered. That is almost three times as many as the Commission estimated in 1993. Since the organisations registered are also required to provide data on

how many individuals they employ for direct or indirect lobbying, it should also be possible to establish how many lobbyists are active. Due to a lack of qualitative data, however, it is unfortunately (still) not possible to make any clear estimate,<sup>8</sup> but the number of lobbyists in Brussels is likely to significantly exceed the previous estimates of around 30,000 individuals.<sup>9</sup>



### The Fire Power of the Financial Lobby – A Survey of the Size of the Financial Lobby at the EU level

The financial crisis of 2008 demonstrated the influence and destructive power wielded by the financial sector. This study is about the financial lobby in Brussels and its power in the time of the implementation of the European Union’s new legal regulations in the financial sector. The study was jointly commissioned by the CEO, AK and ÖGB.

<sup>1</sup> Official Journal of the European Community No. C 63/2 of 5.3.1993

<sup>2</sup> Commission Communication, SEC(2005)1300/5

<sup>3</sup> MEMO of the European Commission “The Transparency Register revised: more information, greater incentives and tougher sanctions for violation” of 15th April 2014, [http://europa.eu/rapid/press-release\\_MEMO-14-302\\_de.htm](http://europa.eu/rapid/press-release_MEMO-14-302_de.htm)

<sup>4</sup> Dieter Plehwe, “European Trial of Strength - measuring European Forces”, study commissioned by the AK, 2012

<sup>5</sup> The Fire Power of the Financial Lobby, study commissioned by the CEO, AK and ÖGB, 2014

<sup>6</sup> ALTER-EU: <http://alter-eu.org/documents/2015/06/who-is-meeting-whom>

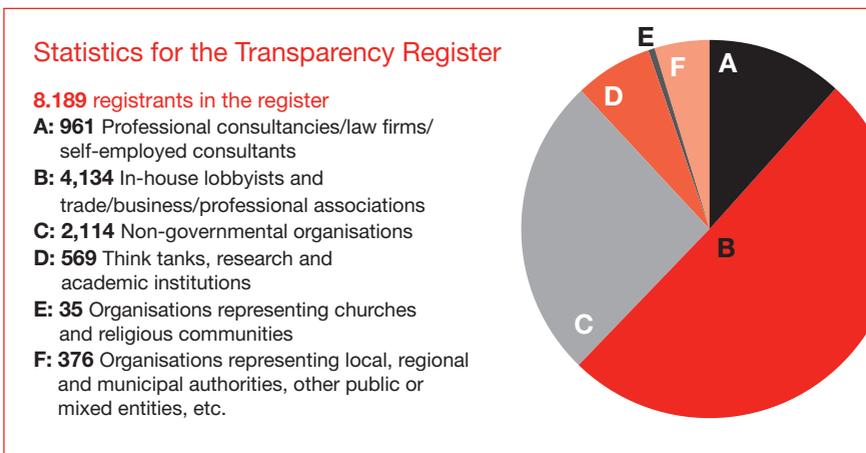
<sup>7</sup> Corporate Europe Observatory, <http://corporateeurope.org/international-trade/2015/07/ttip-corporate-lobbying-paradise>

<sup>8</sup> See the EU transparency register, <http://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=de>, requested on 26th August 2015; if one adds up the figures given by those organisations that are actually registered, the number of individuals comes to around 139,000. That may, of course, be due to the fact that some companies state the number of all their employees and not only those individuals occupied with lobbying.

<sup>9</sup> <https://www.tagesschau.de/wirtschaft/ttip-127.html>

## B. THE EU TRANSPARENCY REGISTER FOR LOBBYING

In 2008, a transparency register was put in place, initially regarding lobbying of the EU Commission and subsequently (since 2011) the EU Parliament. All the organisations involved in the lobbying of the EU Commission and the EU Parliament can register. The Council has still not signed itself up to the voluntary transparency register. So far, however, there is no obligation whatsoever to register, even though both EU institutions have introduced incentives to do so (accreditation by the EU Parliament, meetings with EU bureaucrats only possible for those registered, ...). Despite the incentives, numerous groups prefer to remain unregistered. According to ALTER-EU , the City of London Corporation, Standard & Poors, Electrabel, EUTOP International or Freshfield Bruckhaus Deringer have so far declined to sign up to the transparency register. In addition, registered organisations were required to update their data prior to the end of April 2005. ALTER-EU discovered that more than 1,550 organisations failed to honour their updating obligations and, as a result, were automatically deleted from the register. Some of these organisations are likely to have consciously taken this step, because their entries in the register clearly brought no worthwhile advantages.



(Source: EU transparency register, request of 26th August 2015)

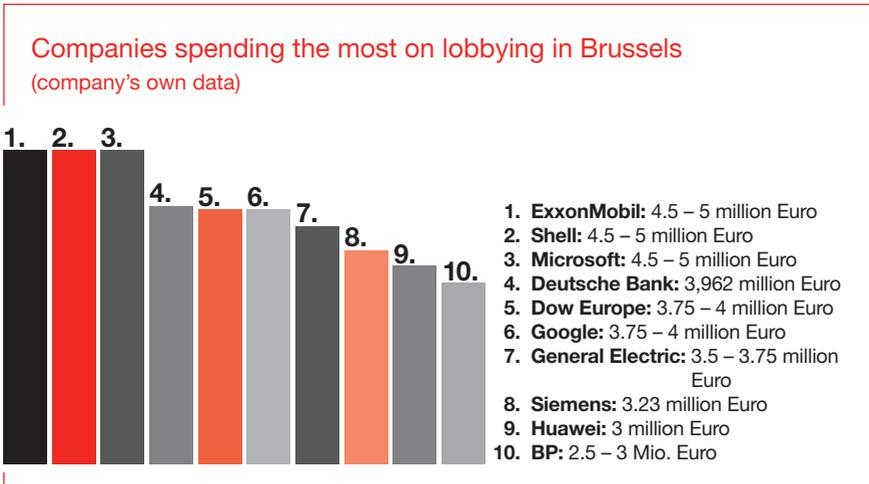
Despite this initiative for more openness and transparency, there are still loopholes in the rules governing contacts between EU institutions and lobbyists. So meetings with EU members of parliament are still possible without the need to register. Moreover, the Council has still not signed up to the registration system. Many organisations remain vague when recording information in the transparency register and either give no information at all, or at least none that would shed light on the nature of their lobbying activities. Many lobby groups also give no information about on which of the expert committees of the Commission they are represented. Information about the funds earmarked by companies for these activities is often, according to ALTER-EU, less than transparent.<sup>11</sup>

And finally, in many cases, the information about the individuals carrying out the lobbying activities does not match with the actual facts. One organisation that was registered in the NGO category actually submitted information suggesting it employed 22,500 lobbyists.<sup>12</sup> There are cases in the other categories, too, which refer to the deployment of several thousand employees. Indeed, were it simply a matter of incorrect data (companies mistakenly entering the number of employees on their payroll, rather than the number working with lobbying), the effects of such errors on the statistics would be enormous: would anybody actually believe the data if at the present time around 139,000 individuals were involved directly or indirectly in lobbying activities in Brussels.<sup>13</sup>

Many of these difficulties could be removed if an appropriate transparency register maintenance system was put into place by the Commission and the EU Parliament, and the relevant staffing ensured. It is admittedly possible for individuals and organisations to file a report in the event of misleading or erroneous data or violations of the code of practice taking place, but there are as yet no effective checks by the two EU institutions regarding the information entered in the register. In the annual report for 2014, it was stated that a total of only 900 quality checks were carried out.<sup>14</sup> This means that the majority of the entries in the register are not even checked once per year.

Various statistics can be retrieved from the “Lobbyfacts EU” Website - published by the NGOs Corporate Europe Observatory, LobbyControl und Friends of the Earth Europe<sup>15</sup>; this is based on the new transparency register data pool and the statistics in particular include a listing of the companies that spend the most on lobbying. The list has already

been cleaned of the erroneous data entered into the register by smaller companies, but as already mentioned above, it must still be treated with the utmost caution, since the data is only based on information provided voluntarily by the companies themselves and no adequate, independent checks exist. The company Philip Morris, which had headed the statistics for 2014<sup>16</sup>, didn't even appear in the Top 10 in the following year.



Source: Corporate Europe Observatory, LobbyControl and Friends of the Earth, Lobbyfacts EU, <http://lobbyfacts.eu/news/23-06-2015/google-dow-and-deutsche-bank-break-top-10-biggest-corporate-lobbying-spenders>

As the following two statistics show, in addition to the large corporations themselves, there are also corporate associations and lobby companies that are active in Brussels and have access to massive financial resources (often with glittering descriptions, such as “Public Policy Consultants” or “Public Affairs Advisors”). Among the organizations and companies appearing in the transparency register Fleishman-Hillard, Kreab Gavin Anderson and Burson-Marsteller are the three largest consulting companies in Brussels and have the largest number of personnel with access to the European Parliament at their disposal.<sup>17</sup> As with the previous table, the following listings should be treated with the utmost caution, since once again they are based on data provided on a voluntary basis by the companies themselves.

## Business associations spending the most on lobbying in Brussels (company's own data)

Organisation Name	Country head office	Lobbying-costs (in Euro)
Bundesverband Mittelständische Wirtschaft e.V.	Germany	13,000,000
European Chemical Industry Council	Belgium	10,100,000
Comité de liaison Europe ACP	France	10,000,000
KEIDANREN (Japan Business Federation)	Japan	> 10,000,000
The Society of Motor Manufacturers and Traders Ltd.	UK	> 10,000,000
Association for Financial Markets in Europe	UK	8,000,000 – 8,249,999
EUROCHAMBRES – Association of European Chambers of Commerce and Industry	Belgium	7,600,000
Insurance Europe	Belgium	7,250,000 – 7,499,999
CI Investments Inc	Canada	6,500,000 – 6,749,000
European Federation of Pharmaceutical Industries and Associations	Switzerland	5,071,000
Verband Deutscher Maschinen- und Anlagenbau e.V.	Germany	4,250,000 – 4,499,999
BUSINESSEUROPE	Belgium	4,000,000 – 4,249,999
European Banking Federation	Belgium	4,000,000 – 4,249,999
Verband der Chemischen Industrie e.V.	Germany	3,750,000 – 3,999,999
Asociación Española de Banca	Spain	3,000,000 – 3,249,999
European Wind Energy Association	Belgium	3,000,000 – 3,249,999
The Investment Association	UK	3,000,000 – 3,249,999
DIGITALEUROPE	Belgium	2,850,000
BDEW Bundesverband der Energie- und Wasserwirtschaft e. V.	Germany	2,750,000 – 2,999,999
Bundesverband Öffentlicher Banken Deutschlands	Germany	2,750,000 – 2,999,999
European Association Automotive Suppliers	Belgium	2,750,000 – 2,999,999
International Swaps and Derivatives Association	USA	2,750,000 – 2,999,999
Deutscher Industrie- und Handelskammertag e.V.	Germany	2,700,000
Bundesverband der Deutschen Industrie e.V.	Germany	2,500,000 – 2,999,999
Bundesverband deutscher Banken e.V.	Germany	2,500,000 – 2,749,000

Source: Corporate Europe Observatory, LobbyControl and Friends of the Earth, Lobbyfacts EU, <http://lobbyfacts.eu/reports/lobby-costs/trade-associations>.

**In-house lobbyists spending the most on lobbying in Brussels**  
(company's own data)

<b>Organisation Name</b>	<b>Country head office</b>	<b>Lobbying-costs (in Euro)</b>
Roland Berger Strategy Consultants	Germany	13,409,000
INTRASOFT International	Luxembourg	> 10,000,000
IRG Advisors LLP	UK	> 10,000,000
SSR General and Management Limited	UK	> 10,000,000
Taxand	Luxembourg	> 10,000,000
customs4trade	Belgium	9,000,000 – 9,249,999
Fleishman-Hillard	Belgium	6,250,000 – 6,499,999
Burson-Marsteller	Belgium	5,000,000 – 5,249,999
Hill & Knowlton International Belgium	Belgium	4,500,000 – 4,749,000
AGR FOOD MARKETING	Spain	4,306,238
J J tactical LLP	UK	3,800,000
Kreab Gavin Anderson	Belgium	3,250,000 – 3,499,999
G Plus Ltd	UK	3,000,000 – 3,249,999
APCO Worldwide	USA	2,500,000 – 2,749,000
cabinet DN consulting sprl	Belgium	2,250,000 – 2,499,999
Grayling	Belgium	2,250,000 – 2,499,999
Rohde Public Policy	Belgium	2,250,000 – 2,499,999
Ecofys Netherlands B.V.	Netherlands	2,000,000 – 2,249,999
Hll GmbH Industrieanlagen Bau und Beratung	Germany	2,000,000
Avisa Partners	Belgium	1,750,000 – 1,999,999
Edelman Public Relations Worldwide	Belgium	1,750,000 – 1,999,999

Source: Corporate Europe Observatory, LobbyControl and Friends of the Earth, Lobbyfacts EU, <http://lobbyfacts.eu/reports/lobby-costs/consultancies>.

The announcement made by the EU Commission in 2015 to publish new suggestions for the compulsory register of lobbyists is welcomed. The loopholes described above have to be removed. However, continuous checking of the entries in the register by the EU institutions and corresponding sanctions to punish infringements are essential, if claims of openness and transparency are to be credible.

## Requirements of the AK

- Only a compulsory transparency register can possibly ensure that all companies and organisations carrying out lobbying activities in EU institutions are recorded
- Proactive monitoring of the register is absolutely indispensable. Many data pools currently contain false or missing information, which cannot be corrected without a system of checks
- In order to ensure entries are kept up to date, compulsory updating should be carried out twice a year
- Individuals should only be allowed onto the EU Commission's committees of experts, if the organisation being represented is properly registered in the transparency register
- Members of the European Parliament and officials of the Commission must be obliged, within the framework of their codes of practice, to hold meetings only with the lobbyists of organisations enrolled in the transparency register
- The publication of meaningful statistics - such as industry or sector listings, the financial resources committed or the number of lobbyists

---

<sup>10</sup> ALTER-EU: <http://alter-eu.org/two-steps-forward-one-step-back-for-eu-lobby-transparency>

<sup>11</sup> *ibid.*

<sup>12</sup> See the MèTIS EUROPE entry in the transparency register, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=84174732180-66>

<sup>13</sup> See EU transparency register, request of 26th August 2015. The data entered by registered organisations can be retrieved in PDF, Excel or XML Format for each individual category – see

the statistics on the website <http://ec.europa.eu/transparencyregister/public/homePage.do>

<sup>14</sup> [http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=de&reference=ANNUAL\\_REPORT](http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=de&reference=ANNUAL_REPORT)

<sup>15</sup> <http://lobbyfacts.eu/>

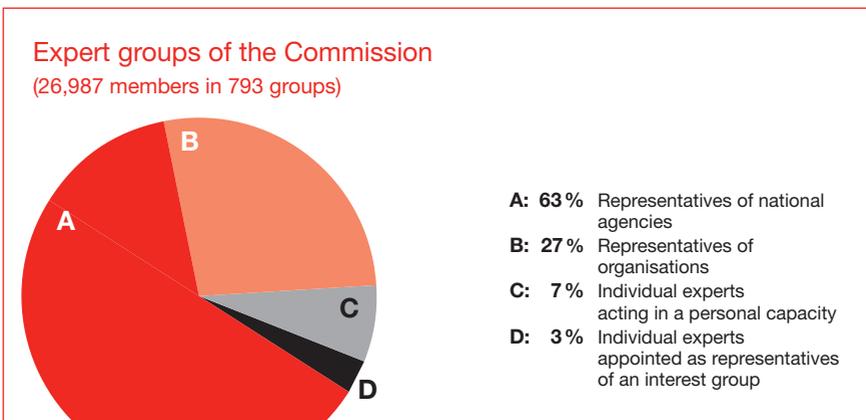
<sup>16</sup> <http://lobbyfacts.eu/news/25-09-2014/us-corporations-are-biggest-spenders-brussels-lobbying>

<sup>17</sup> <http://lobbyfacts.eu/reports/staffing/all?sort=ep&order=desc>

## C. EXPERT GROUPS OF THE COMMISSION

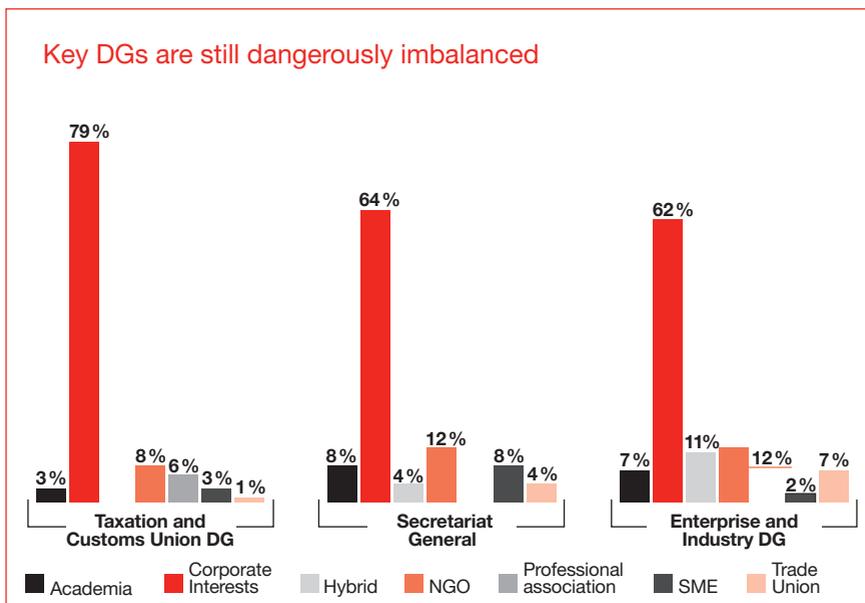
### The Commission's unbalanced staffing policy

Expert groups advise the Commission on a wide range of political topics. They often have a massive influence at a very early stage in the legislative process, since the Commission still has a monopoly on the initiatives in European legislative procedures. Currently, a total of 793 expert groups with 26,987 group members advise the Commission.<sup>18</sup> Around 2/3 of these members are sent by national agencies; the remaining 9,940 members represent organisations<sup>19</sup>, are individuals representing interest groups<sup>20</sup> or are present in a purely personal capacity. Experts present in a personal capacity are (according to their register definition) “individuals, acting independently and expressing their personal views”. However, cases are continually coming to light in which there are conflicts of interest and where doubt is cast on the degree of independence. For example, a bank representative could be appointed as an expert “in a personal capacity”. The categorisation intended by the Commission is unable, therefore, to guarantee any kind of transparency; commercial and financial interests can be present in any of the three categories.



Source: Register of Expert Groups of the Commission, request of 24th August 2015, own portrayal

Employee or civil society representatives are currently massively under-represented in the expert groups and it is often not possible for them to take part in the political processes on an equal footing. Numerous examples clearly show the dominance of commerce, industry and finance in the expert groups. Around 80 - 100% of the experts on the expert groups in the Directorate-General Internal Market, which since the 1990s has pressed for liberalisation of financial services, come from the finance industry<sup>21</sup>. This dominance has been allowed to continue even after the financial crisis. One dramatic example is that of the De Larosière Group, which put forward recommendations for a European response to the financial crisis. Seven of the eight group members were bank representatives, directly connected to those organisations that triggered the crisis, such as Goldman Sachs, Lehman Brothers and Northern Rock, or were known critics of greater financial regulation.<sup>22</sup>



Source: AK Europa/ÖGB Europabüro/ALTER-EU, A Year of Broken Promises, 2013

A study published by AK Europa, ÖGB Europabüro and ALTER-EU in 2013 certainly demonstrated considerable differences in the various general directorates of the Commission but also revealed the massive imbalance in the composition of groups in key policy areas. In Directorate-General Taxation – the worst example in the study - almost 80% of the representatives were from large corporations and the financial sector, whilst SMEs or academics made up just 3%. Employee representatives were present in only 1% of cases<sup>23</sup>. The results were not significantly better in the Directorate-General Companies and Industry or in the General Secretariat of the Commission.

In 2015, the non-governmental organisations Corporate Europa Observatory and Friends of the Earth revealed that 70% of the experts appointed to the newly-established “network” for the exploitation of shale gas had direct links to the fracking industry.<sup>24</sup> Only 5 of the 74 members of the group were representatives of civil society and trade unions were completely unrepresented in the network.<sup>25</sup> However, this “network” demonstrates the weakness of the present system in an even more dramatic way. It is not even listed in the register of expert groups<sup>26</sup>, with the Commission arguing that the network “is not intended to play any kind of advisory role”, “does not represent an expert group of the Commission” and “only collects, analyses and checks information”.<sup>27</sup> The Commission’s claims are at least to some extent absurd - both the composition of the said network, with representatives taken from the public and private sectors, and also its task of conveying expert knowledge agree precisely with the Commission’s own definition of an expert group.

The lack of balance in the composition of expert groups is also apparent in the Strategic Policy Forum on Digital Entrepreneurship set up by the Commission. Of the more than 30 members of that forum, only one represents a trade union (industriAll) and there is no member at all representing consumers. The forum overwhelmingly comprises representatives from associations and corporate groups. There are also a number of US American companies in the forum, such as Google, ebay and Microsoft.<sup>28</sup> Despite the massive imbalance in the make-up of this group, in its report the Stakeholder Forum makes remarkable employment policy statements: 3.8 million jobs could be created by conversion to digital, 2.6 new jobs would be created for every job that falls victim to digitalisation.<sup>29</sup>

## Members of Strategic Policy Forum on Digital Entrepreneurship (according to an excerpt from the Register of Expert Groups of the Commission)

### Organisationen

Name of Organisation	Category	Countries/Areas represented	Membership Status
Bertelsmann	Corporate	Germany	Member
Berto Salotti	Corporate	Italy	Member
Bridge Budapest	Corporate	Hungary	Member
Carrefour	Corporate	Belgium	Member
Cumediae	Corporate	Belgium	Member
Digital Europe	Corporate	European	Member
Ebay	Corporate	European International	Member
Eierfabrik	Association	Germany	Member
EITO (European IT Observatory)	Research Institute	European	Member
European Policy Centre	Association	European	Member
Geo-Strategies	Corporate	Romania	Member
GoForesight (GFS) Institute	Research Institute	Slovenia	Member
Google	Corporate	International	Member
IE Business School	Academia	Spain	Member
IndustriALL	Trade Union	European	Member
JA-YE Europe	Association	European	Member
KULEUVEN – Faculty of Economics and Business	Academia	Belgium	Member
Materialise	Corporate	Belgium	Member
Microsoft	Corporate	International	Member
OECD	Intern. organisation	European	Member
Pathena	Corporate	Portugal	Member
Renault	Corporate	France	Member
SAP	Corporate	International	Member
SpeedUp Group/ iTraff Technology	Association	Poland	Member
Telefonica Digital	Corporate	Spain	Member
Telenet	Corporate	Belgium	Member
The Egg Brussels	Association	European	Member



Source: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2998&NewSearch=1&NewSearch=1&Lang=EN>

## → Organisationen

Name of Organisation	Category	Countries/Areas represented	Membership Status
The Lisbon Council	NGO	Belgium	Member
The Young Foundation	NGO	International	Member
University of Glasgow	Academia	United Kingdom	Member
World Economic Forum	NGO	European	Member

### National administrations

Country		Membership Status
Denmark	1 Public Authority(ies)	Member
Estonia	1 Public Authority(ies)	Member
Ireland	1 Public Authority(ies)	Member
Spain	1 Public Authority(ies)	Member
UK	1 Public Authority(ies)	Member

Almost as grotesque are the Commission's arguments justifying the dominance of finance and commercial interests in its expert groups.

### The Commission states:

- “ the business world should not be viewed as an autonomous group all holding the same opinions and beliefs since, in reality, different sectors have completely divergent interests”;
- “ experience has shown that civil society organisations do not always respond to public tenders for new members of expert groups, even in the case of a comprehensive range of applications, and/or do not follow the proper procedures in respect of direct invitations from the Commission's offices”;
- “ Applications [by civil society organisations] have to be rejected because they are not suitable for the work being implemented”.

---

Source: letter from the 1<sup>st</sup> Vice President of the Commission, Frans Timmermans, to EU Ombudsman, Emily O'Reilly, June 2015

## Intransparent working methods and small steps to improvement

The expert groups have been sitting for a long time behind closed doors; the names of the groups were actually made public only in 2005. Only following pressure from NGOs, the European Parliament and European Ombudsmen was the Commission dragged slowly in the direction of greater transparency. This was achieved only after numerous media reports about scandalously-composed expert groups, investigations by European Ombudsmen and resolutions or budget freezes by the European Parliament between 2001 and 2004. Even the Commission itself recognises the massive imbalance in the composition of the expert groups and the corresponding need for action. However, no satisfactory result has yet been obtained.

Since 2009, an online register<sup>30</sup> has been in place in which all the groups and their members appear. In 2010, the Commission passed new rules for the setting up of expert groups. The clarity of the register, however, still leaves a lot to be desired: the degree of detail in respect of disclosure differs greatly between the individual groups, as does the publishing of regular, up-to-date reports on activities. Meeting agendas and reports are in most cases never published. Detailed information on the groups cannot be found in the register itself, but only on the groups' own websites. However, the relevant links are often not current or simply lead to nowhere.<sup>31</sup> For users, it would be useful to have a search template that responded to the input of keywords (such as "finance" or "fracking"), the names of individuals and companies, or interest groups (e.g. "companies" or "in-house lobbyists").

Last but not least, the European Ombudsman, Emily O'Reilly, conducted an investigation into the composition of expert groups and, at the beginning of 2015, the Commission submitted a comprehensive catalogue of measures<sup>32</sup> via which the present register was to be overhauled. The core measure in the catalogue is the requirements for consistent regulations, which is intended to guarantee the balanced composition of the groups. On many of the points, Commissioner Frans Timmermans signalled his readiness to improve the system. However, as before it is clear that the Commission is still not prepared to introduce consistent regulations across the board in order to ensure balanced group compositions and to tackle the problem of commercial dominance.<sup>33</sup> In fact, the Commission

is proposing to continue to act against imbalance only on the basis of individual cases. This gives rise to speculation that in the future NGOs will have to take on the role of watchdogs and it will be the task of civil society to bring to light cases of disparity in the composition of expert groups. The success of the register revisions announced for 2016 will be measured by whether the Commission can guarantee substantial improvements in the composition of expert groups.

---

<sup>18</sup> Request to the Register of Expert Groups of the Commission: <http://ec.europa.eu/transparency/regexpert/index.cfm> (dated: 24th August 2015). In addition to “expert groups”, the figure of 793 also includes so-called “similar committees”.

<sup>19</sup> Organisations can be (amongst other things) companies, associations, non-governmental organisations, trade unions, colleges, research institutes, EU institutions and international organisations.

<sup>20</sup> According to the Commission’s definition, these are supposed to represent the “common interests of an interest group” in any given political sphere.

<sup>21</sup> See also numerous additional examples in other general directorates: Yiorgos Vassalos, European Commission’s expert groups: Damocles’ sword over democracy, *juridikum* 1/2013, 87 (91).

<sup>22</sup> <http://corporateeurope.org/financial-lob-by/2009/02/would-you-bank-them>

<sup>23</sup> The data relates to AK Europa, ÖGB Europabüro and ALTER-EU, A Year of Broken Promises, 3.

<sup>24</sup> [http://corporateeurope.org/sites/default/files/attachments/carte\\_blanche\\_for\\_fracking\\_final.pdf](http://corporateeurope.org/sites/default/files/attachments/carte_blanche_for_fracking_final.pdf)

<sup>25</sup> *ibid.*

<sup>26</sup> (Request to the Register of Expert Groups of the Commission of 24th June 2015.

<sup>27</sup> Responses of the Commission to Friends of the Earth, taken from email exchanges with Antoine Simon, FoEE, on 1 July 2015.

<sup>28</sup> [http://ec.europa.eu/enterprise/sectors/ict/digital-entrepreneurship/strategic-policy-forum/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/ict/digital-entrepreneurship/strategic-policy-forum/index_en.htm)

<sup>29</sup> See “Digital Transformation of European Industry and Enterprises” – a report of the Strategic Policy Forum on Digital Entrepreneurship, March 2015.

<sup>30</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm>

<sup>31</sup> See Expert Group on Gambling Services (E02868): the link to the website leads to nowhere; SME Taxation - Expert Group (E01694): the link does actually lead to the website, but it was last archived on 2nd February 2015 (dated: 24th June 2015).

<sup>32</sup> <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/58861/html.bookmark>

<sup>33</sup> <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/60019/html.bookmark>

## Requirements of the AK

- Consistent regulations for the balanced composition of expert groups by the Commission. It must be guaranteed that the interests of employees, the environment and civil society are represented in equal measure
- Transparency in respect of organisations, lobbyists and members represented in expert groups, including (among other things) linking to entries in the EU transparency register and the making visible of the membership of the various groups
- Mandatory public tendering for the creation of all new expert groups
- No appointing of representatives “acting in their own capacity”, such that conflicts of interest (e.g. membership of boards of directors or consultancy activities) arise
- Regular, up-to-date publication of meeting agendas and minutes, including minority opinions
- Improved search functions in the register, particularly those facilitating data retrieval by keyword and interest group
- Publication of meaningful statistics, particularly in respect of listings on the representation of diverse interest groups

### A Year of Broken Promises

A study commissioned by AK Europa, ÖGB Europabüro and ALTER-EU (2013) demonstrates, by means of precise documentary evidence in respect of all the expert groups created during the year, the weaknesses of the present system.



## D. TRANSPARENCY IN THE EUROPEAN PARLIAMENT

The so-called “Cash for Influence” scandal of 2011 brought the lobbying of Members of the European Parliament to the media’s attention: four members of the EU-Parliament were accused by undercover journalists from the Sunday Times of allowing themselves to have fallen into a trap by being ready to propose amendments in exchange for cash. Ernst Strasser (EVP) and Zoran Thaler (S&D) resigned their posts after the scandal came to light<sup>34</sup>. Although the case of Ernst Strasser et al. was not a lobbying scandal in the true sense, it identified in a dramatic way a problem area and the need for immediate action in the European Parliament. Above all, Strasser’s open and verbose explanation in broken English stays in the memory, as he explained how he, in his capacity as a Member of Parliament (MEP), was also active as a lobbyist, and how he was able to continue working for his network even after leaving the Parliament and was able to command fees amounting to 100,000 euros<sup>35</sup>.

Monitors of lobbying in the EU Parliament estimate that 80% of all amendments submitted to the European Parliament can be traced back to suggestions made by lobbyists and that lobbying in the EU Parliament has become “more intensive, more professional, more refined and more aggressive”<sup>36</sup>. There is also a “focused selection of target groups”, with heads of parliamentary groups, chairs of national delegations, rapporteurs and authors of opinions being of particular interest<sup>37</sup>. Due to the high workloads of many MEPs, such as activities on multiple committees, in delegations and in groups, and also on account of the complexity and diversity of the topics covered and the only limited personal assistance from staff, it is probable that members of parliament cannot themselves write each and every amendment proposal. However, it would be important to at least ensure transparency in terms of revealing which interests lie behind any given proposal.

The often cited phenomenon of the “revolving door” describes the rapid nature of job changing between politics and commercial / financial / and lobbying organisations. There are numerous prominent examples of this phenomenon, not only in the Commission - as described in the last chapter - but also in the European Parliament: MEP Piia-Noora Kauppi (EVP),

for example, who during her time in the Parliament compiled reports on various important financial market dossiers, went on to work for the Federation of Finnish Financial Services after leaving the Parliament<sup>38</sup>. Other prominent examples include MEP Karin Riis-Jørgensen (Liberal), who moved to the major Brussels lobbying firm Kreab Gavin Andersen, and Erika Mann (S&D), who during her 10 years as a MEP specialised in the Internet and the digital industry and was subsequently employed by the Computer and Communications Industry Association – a lobby for the major corporate entities. As part of the “RevolvingDoorWatch” project<sup>39</sup>, the Corporate Europe Observatory published an ongoing list of revolving door cases<sup>40</sup>. A collection of recent cases is available in German at “Lobypedia”.<sup>41</sup>

In 2011, in response to the “Cash for Amendments” Scandal, a code of practice<sup>42</sup> was introduced for EU members of parliament. This was at least an important first step in the direction of more transparency. Here, it was important – alongside national regulations, under which members of parliament could, if necessary, be brought before courts in their member state – to also create uniform guidelines covering Europe as a whole. The code of practice includes a clear ban on voting to achieve financial advantages in the EU Parliament or exercising such influence in other ways. The acceptance of gifts in excess of 150 euros is forbidden. Secondary employment is, however, still allowed. Of course, not all the secondary employment undertaken by MEPs is problematic, but in the past there has been an increasing number of examples demonstrating dramatic conflicts of interest. During his time in the Parliament, MEP Elmar Brok (EPP) was also a paid consultant for the media group Bertelsmann<sup>43</sup>. A further example is that of MEP Klaus-Heiner Lehne (EPP) – the Chairman of the Legal Affairs Committee and therefore involved with (among other things) patent issues – who is also employed as a lawyer in the Taylor Wessing legal practice, which lobbies for its clients in precisely this field of activity<sup>44</sup>. Now, at least, each and every MEP must, on entering of office, make a declaration of financial interests and is obliged to ensure the declaration is kept up-to-date. Secondary incomes are graded, must be declared and are published on the European Parliament website<sup>45</sup>. There are, however, two major weak points in this regard: the de minimus limit for irregular income (lectures, etc.), for which no declaration is required, remains at 5,000 euros. Furthermore, the exact amount of regular income in excess of 10,000 euros need not be shown.

The question of whether a violation of the code of practice has taken place is subject to the scrutiny of an advisory panel (composed of MEPs), which also has the power to impose sanctions (e.g. the forfeiting of daily allowances, suspension or dismissal). The setting up of such a committee has to be regarded as a success, even if the sanctions so far imposed are, to say the least, rather modest.<sup>46</sup> In the negotiating process leading to adoption of the code of practice in 2011, it was demanded that a panel of independent experts, rather than an advisory committee, be given the task of deciding whether a conflict of interest had arisen.

The revolving door effect is also not tackled very effectively by the code of practice. Job changes in which MEPs move directly from the Parliament into the world of commerce or professional lobbying, are still allowed. Unlike the EU Commissioners and EU civil servants (see next chapter), no notification period or cooling off phase is required for MEPs. When moving from the Parliament into a lobbying job, MEPs lose only the life-long passes giving them privileged access to the parliamentary building. So far, however, even this extremely modest ruling has never once been implemented.<sup>47</sup>

---

<sup>34</sup> Adrian Severin (S&D, Romania) was able to remain active in the EP, even after having been excluded from his parliamentary group. Pablo Zalba Bidegain (EVP, Spain) protested his innocence and his parliamentary group stood behind him.

<sup>35</sup> See <https://www.youtube.com/watch?v=w-3G0HCb2jxU>

<sup>36</sup> Doris Dialer/Margarethe Richter, "Cash for Amendments" Scandal: European Deputies under Suspicion, in: Dialer/ Richter, Lobbying in the European Union, 235, 236

<sup>37</sup> *ibid.*

<sup>38</sup> <http://corporateeurope.org/revolvingdoorwatch/cases/piia-noora-kauppi>

<sup>39</sup> Rachel Tansey, The EU's Revolving Door Problem: How Big Business Gains Privileged Access in: Dialer/ Richter, Lobbying in the European Union, 257, 262-263

<sup>40</sup> <http://corporateeurope.org/revolvingdoorwatch>

<sup>41</sup> [https://lobbypedia.de/wiki/Seitenwechsler\\_auf\\_EU-Ebene](https://lobbypedia.de/wiki/Seitenwechsler_auf_EU-Ebene)

<sup>42</sup> [http://www.europarl.europa.eu/ep-dif/2224\\_07-03-2012.pdf](http://www.europarl.europa.eu/ep-dif/2224_07-03-2012.pdf)

<sup>34</sup> [https://lobbypedia.de/wiki/Elmar\\_Brok](https://lobbypedia.de/wiki/Elmar_Brok)

<sup>44</sup> Timo Lange, "Transparency Register & New Code of Practice for EU Deputies", in: Lobbying in Europe, special edition of the information bulletin EU & International of Arbeiterkammer Wien (2011), Page 20.

<sup>45</sup> <http://www.europarl.europa.eu/meps/en/map.html>

<sup>46</sup> Doris Dialer/Margarethe Richter, "Cash for Amendments" Scandal: European deputies under Suspicion, in: Dialer/ Richter, Lobbying in the European Union, 235, 243

<sup>47</sup> Rachel Tansey, The EU's Revolving Door Problem: How Big Business Gains Privileged Access in: Dialer/ Richter, Lobbying in the European Union, 257, 259

During the negotiations leading to the new code of practice, the idea of a legislative footprint was also discussed. This would make visible all influences on the decision-making process. The idea has yet to be put into practice.

### **Requirements of the AK**

- General prohibition of paid secondary employment of MEPs and of any secondary activities that may result in a conflict of interests
- Precise disclosure of secondary income (in particular irregular incomes) and precise disclosure of regular incomes in excess of 10,000 euros.
- Introduction of an obligatory notification period of 2-3 years after leaving the Parliament, including relevant implementation and checks, in order to identify any conflicts of interest with the previous member of parliament activities.
- Review of compliance with the code of conduct and checking of the existence of conflicts of interest.

## E. CODE OF CONDUCT FOR MEMBERS OF THE COMMISSION AND EU CIVIL SERVANTS

In 1999, when Jacques Santer was forced to quit following pressure from the public and the EU Parliament, the EU Commission was confronted with a lot of allegations. Other Commissioners were also facing criticisms of favouritism and corruption. Among these, according to the accusations, were friends and acquaintances of commissioners, who had gained employment as officials of the Commission. This not only resulted in the setting up of the European Anti-corruption Agency OLAF, but also, in 2004, to the introduction of a code of conduct for members of the Commission.

The rules on conduct, which were again revised in 2011 and to which the Commissioners must now adhere, are extremely ambitious. Spouses, family members or partners may not be employed in a Commissioner's cabinet and spouses and partners are required to disclose their activities relating to gainful employment. There are strict rules governing conduct during time in office relating, for example, to the avoidance of all possible conflicts of interest, to business trips and gifts, as well as to the use of the Commission's resources. Financial interests and financial assets must be disclosed.

There are also clear rules for Commissioners regarding their activities following retirement from the Commission. In the first 18 months following their retirement from office, no lobbying activities in respect of the EU Commission may be carried out in any of the areas in which they previously held responsibility. The only exception to the above is if the Commissioner moves to a public service post on leaving office. Outgoing Commissioners must also inform the Commission of their planned professional activity. The Commission is then meant to check the planned activity for possible conflicts of interest and compatibility with EU law (Art. 245 AEUV). In extreme cases, the Commission has the power to prevent the former Commissioner from taking up a post.

In actual fact, the EU Commission has only once prevented a post being taken up - that of a former Commissioner planning to accept a seat on the board of a bank. The Commissioner affected - the former Internal Market Commissioner, Charlie McCreevy - was unable to take up the post. One week after the end of the prohibiting period, however, McCreevy joined the board of a different bank.<sup>48</sup>

In general, former Commissioners often gain footholds in precisely those commercial areas in which they were active during their time in the Commission. In addition to Charlie McCreevy, five other Commissioners of the Barroso I Commission went directly into lobbying jobs. At the time, this represented almost half of all Commissioners leaving the service. After deregulating the telecommunications markets in Europe, Martin Bangemann went on to work for the Spanish corporation Telefónica. The former Trade Commissioner, Karel De Gucht, is ready to accept - according to the Corporate Europe Observatory NGO - a seat on the board of the telecommunications' provider Belgacom. Or at least the Commission has already granted its consent to such a move. That is somewhat questionable, bearing in mind that De Gucht was responsible for negotiating the free trade agreement between the USA and the EU (TTIP). As the telecommunications industry is one of the top three lobbyists relating to TTIP.<sup>49</sup> Other former Commissioners have been co-founders of EU lobbying firms, including Pavel Telicka (BXL Consulting) and Günter Verheugen (European Experience).<sup>50</sup>

Since outgoing Commissioners preside over networks that go way beyond their core responsibilities, a general ban on lobbying in all areas of EU policy for the first 18 months would be helpful.

### **Statutes for civil servants**

There are also regulations on the conduct of the Commission's officials, which must be followed when leaving the Commission and going into the private sector. Article 16 of the statutes for civil servants states that in the first 12 months following leaving of the Commission, former officials may not take up senior management posts "in lobbying or consultancy in areas relating to the staff of their former institutions ... in which they were active in the last three years of their service"<sup>51</sup>. All EU civil servants are also obliged to inform their former employer when taking up any new

post within a period of two years following departure from the EU administration. Under certain conditions, the taking up of the post may not be permitted.

An enquiry from EU MEP Nessa Childers of the Progressive Alliance of Social Democrats Parliamentary Group revealed that of the 201 cases occurring in the period between 2008 and 2010, permission to take up a post had only been refused on one occasion. The Commission is obliged - according to Article 16, Paragraph 3 of the statutes for civil servants - to publish an annual list of senior management officials taking up other professional activities following retirement from office. However, no list of this kind has so far been published by the Commission.<sup>52</sup> In response to a request from EU MEP Fabio de Masi of the European Left, the Commission justified itself as follows: “a suitable format, scope and content for this annual information is currently being developed”.<sup>53</sup> The Commission is providing no information about the planned publication date.

That the Commission’s procedures are worthy of criticism is demonstrated by checks carried out by the Corporate Europe Observatory (CEO): John Clancy, the former press officer of Trade Commissioner Karel de Gucht, was signed up by the lobbying agency FTI Consulting. Trade policy is one of the areas looked after by FTI on behalf of its clients. According to the statement made by the Commission, Clancy will neither directly nor indirectly take part in any lobbying activities linked with the Commission’s Directorate General for Trade. Clancy himself has assured the CEO that he does not carry out any lobbying related to the TTIP. According to the CEO, however, limitations of this kind are only valid for six months. It is clear from the above that the current regulations are not sufficient. In a further example connected with the Commission’s Directorate General for Trade, the CEO cites Maria Trallero, who switched to become Director of Trade Policy at the European Federation of Pharmaceuticals Industries and Associations (EFPIA). EFPIA is extremely active in respect of TTIP and had 11 meetings with the Commission over the course of just two years. In 2013, despite these obvious conflicts of interest, the Commission granted Maria Trallero permission to take up the post at EFPIA.<sup>54</sup>

An added problem is that many officials are allowed to take indefinite periods of time-out from the Commission and use that time to work in the private sector. In 2009, some 500 officials took advantage of this option, with 35% of these working in business.<sup>55</sup>

## Need for action by the President of the European Council

There is an urgent need for action on the part of the President of the European Council, whose office is (still) not subject to any code of conduct or statute. The Council admitted in response to a written enquiry from EU MEP Fabio de Masi (European Left Grouping) that there is no legal framework to force outgoing Presidents of the European Council to inform the Council of their intended professional activities.<sup>56</sup>

---

<sup>48</sup> McCreevy joins board of BNY Mellon's Dublin unit, 1.4.2011, <http://www.independent.ie/business/world/mccreevy-joins-board-of-bny-mellons-dublin-unit-26718760.html>.

<sup>49</sup> Corporate Europe Observatory, The Revolving Door: Greasing the Wheels of the TTIP Lobby: <http://corporateeurope.org/revolving-doors/2015/07/revolving-door-greasing-wheels-ttip-lobby>, of 15th. July 2015

<sup>50</sup> Olivier Hoedeman, "Und munter schwingt die Drehtür (And the revolving door turns happily)", in: Lobbyismus in Europa, special edition of the information letter EU & International of Arbeiterkammer Wien (2011), Page 6ff.

<sup>51</sup> Decree (EU, Euratom) No. 1023/2013 of the European Parliament and the Council of 22nd. October 2013 on the statutes for civil servants and the employment conditions for miscellaneous employees of the European Economic Community and the European Atomic Energy Community

<sup>52</sup> Dated 3rd August 2015

<sup>53</sup> Response of the Commission of 27th April 2015 to the written enquiry from EU member of parliament Fabio de Masi, E-002114/2015 of 10th February 2015

<sup>54</sup> Corporate Europe Observatory, The Revolving Door: Greasing the Wheels of the TTIP Lobby: <http://corporateeurope.org/revolving-doors/2015/07/revolving-door-greasing-wheels-ttip-lobby>, of 15th. July 2015

<sup>55</sup> Olivier Hoedeman, "Und munter schwingt die Drehtür (And the revolving door turns happily)", in: Lobbying in Europe, special edition of the information letter EU & International of the Vienna Chamber of Employment (2011), Page 9.

<sup>56</sup> Response of the Council of 1st June 2015 to the written enquiry by EU member of parliament Fabio de Masi, E-002113/2015 of 10th February 2015.

## Requirements of the AK

- Extension of the prohibitions on the lobbying activities of former EU Commissioners from 18 months to three years
- Prohibition in respect of lobbying activities should be widened to include all EU policy areas and should not be limited only to former areas of activity at the Commission, since Commissioners' networks and cooperative options extend far beyond their official areas of responsibility
- An independent ethics committee should be appointed to decide whether conflicts of interest exist
- The lobbying activity cooling-off phase of 12 months for senior management staff defined in the civil servant statutes should be widened to include all officials at the Commission and be extended to a period of three years
- The disclosure obligations regarding the professional activities of former senior management officials, as stated in Article 16, Paragraph 3 of the civil servant statutes, should apply to all officials leaving to work in the private sector. This list should be published at the latest by 31st March in the year after the official's departure is announced
- In order to avoid any loopholes, the civil servant statutes should be widened to include all personnel on limited contracts
- The code of conduct that applies to members of the Commission should be extended to include the post of President of the European Council

## F. NEED FOR ACTION FROM THE PERSPECTIVE OF EU CITIZENS

A clear message was delivered by a survey conducted in 2013 in six member states of the EU - Austria, Czech Republic, France, Spain, the Netherlands and the United Kingdom - in which 6,000 citizens were asked their opinions.<sup>57</sup> The citizens of Europe clearly expressed their belief that commercial interests have too great an influence on EU policy and desire clear rules in respect of lobbying transparency, access to documentation and ethics in the European Parliament. Agreement with these opinions was even higher in Austria than the very high average for the rest of Europe.

In the survey, 73% (Austria: 81%) expressed concern that commercial lobbyists have too great an influence on EU policies, 77% (Austria: 84%) believe that lobbying by commercial entities can result in EU policy decisions not being made in the public interest, 80% (Austria: 85%) think that binding regulations for lobbying should be introduced in order to

**Table 1:** “ I am concerned that economic lobbyists have too great an influence on decision-making in the EU ”

	Total	Austria	Czech Republic	France	Great Britain	Netherlands	Spain
agree	73 %	81 %	75 %	78 %	61 %	62 %	83 %
disagree	14 %	13 %	15 %	9 %	15 %	22 %	11 %

**Table 2:** “ Compulsory regulations should be introduced for lobbying in order to ensure balanced inclusion of all the various interests in decision-making processes ”

	Total	Austria	Czech Republic	France	Great Britain	Netherlands	Spain
agree	80 %	85 %	87 %	82 %	69 %	70 %	88 %
disagree	10 %	10 %	7 %	7 %	11 %	15 %	6 %

ensure balanced inclusion of all the various interests in decision-making processes. Europe-wide, only 10% were against the introduction of binding regulations for lobbying in the EU, and 86% expressed concern about the influence of commercial lobbyists (see Table 2). When asked whether access should be given to EU documentation and information, 90% were in agreement, and 85% (Austria: 87%) thought it important to have full access to information concerning the activities of member states in negotiations on future European rights. People also see a need for action on the subject of ethics in the European Parliament: 80% (Austria: 83%) of those asked were unsure whether Members of the European Parliament (MEPs) who also work in lobbying groups or private companies are representing the interests of the public, and 69% (Austria: 71%) were of the opinion that the job of MEP should be a full-time job, which allows no time for other kinds of professional activity.

---

<sup>57</sup> The survey was commissioned as part of the “EU Citizens Project”, was supported by the AK and was implemented by TNS opinion (the compilers of Eurobarometer) between 17th and 23rd of January 2013. The “EU Citizens Project” is a joint project run by AccessInfo Europe, Aitec, Environmental Law Service, Friends of the Earth Europe, Health Action and International Spinwatch.

## G. FOLLOW LOBBYING - COLLECTION OF LINKS

- Lobbyfacts EU – data and statistics about lobbying in the EU, published by the Corporate Europe Observatory, LobbyControl and Friends of the Earth Europe:  
<http://lobbyfacts.eu/>
- Ask the EU – help with enquiries to EU agencies and public portals, frequently asked questions and answers, published by the Spanish human rights organisation Access Info Europe  
<http://www.asktheeu.org/>
- Lobbyplanet Brussels – map of the EU quarter with all the lobbying hotspots and more, published by the Corporate Europe Observatory:  
<http://corporateeurope.org/sites/default/files/publications/ceolobby-low.pdf>
- Revolving Door Watch – disclosure of current job changes between politics (EU members of parliament/commissioners/officials) and the commercial/financial/lobbying industry sectors, published by the Corporate Europe Observatory:  
<http://corporateeurope.org/revolvingdoorwatch>
- Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) – requirements and current examples regarding topics such as lobbying transparency, expert groups, revolving door:  
<http://alter-eu.org/>
- Lobbypedia, published by LobbyControl – collection of German articles about e.g. changes of sides, lobbying the EU:  
<https://lobbypedia.de/wiki/Hauptseite>
- Think Tank Network Initiative – Wiki on the numerous think tanks and associated individuals:  
[http://thinktanknetworkresearch.net/wiki/ttni\\_en/index.php?title=-Main\\_Page](http://thinktanknetworkresearch.net/wiki/ttni_en/index.php?title=-Main_Page)

- EU transparency register - publication of all registered lobbyists and interest representatives, published by the common register secretariat of the European Commission and European Parliament:  
<http://ec.europa.eu/transparencyregister/public/homePage.do?locale=de>
  
- Register of expert groups and other similar bodies, published by the European Commission:  
<http://ec.europa.eu/transparency/regexpert/index.cfm?do=search.search&searchType=advanced&;page=search&resetValues=1&Lang=DE>
  
- Publication of the secondary incomes of EU members of parliament, published by the European Parliament:  
<http://www.europarl.europa.eu/meps/en/map.html>



Österreichische Bundesarbeitskammer  
Büro Brüssel

Newsflash



## AK EUROPA Newsflash: Critical Analysis Directly From Brussels

The AK EUROPE Newsflash provides articles and position papers on recent developments at European level every week.

The focus is on the critical examination of decisions of the European Parliament and the Commission. At the same time, the backgrounds of political processes are made visible and discussed. News articles offer an overview of current issues and analyze problem areas. Position papers light up EU processes in detail, deliver a comment and present strategies.

Subscribe online at

[www.akeuropa.eu](http://www.akeuropa.eu)



You can **download this publication:**

■ [wien.arbeiterkammer.at/publikationen](http://wien.arbeiterkammer.at/publikationen)

Article no. **106**

1st edition, September 2015

#### **Publishing information**

Editor and publisher: Vienna Chamber of Labour,  
Prinz-Eugen-Straße 20-22, 1040 Vienna, phone no. +43 1 501 65 0  
Disclosure in accordance with § 25 MedienG: see [wien.arbeiterkammer.at/impressum](http://wien.arbeiterkammer.at/impressum)  
Registration number: AK Vienna 02Z34648 M  
Authors: Frank Ey and Alice Wagner, department for EU and international affairs  
Layout and illustrations: Julia Stern, [schere.stern.papier@gmail.com](mailto:schere.stern.papier@gmail.com)  
Print: AK Vienna, 1040 Vienna

All our publications are verified thoroughly. However we can't give any guarantees on completeness and up-to-dateness of the content.



**GERECHTIGKEIT MUSS SEIN**

[wien.arbeiterkammer.at](http://wien.arbeiterkammer.at)