Block the revolving door: why we need to stop EU officials becoming lobbyists

Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)

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The **Alliance for Lobbying Transparency and Ethics Regulation** (ALTER-EU) is a coalition of over 160 civil society groups, trade unions, academics and public affairs firms concerned with the increasing influence exerted by corporate lobbyists on the political agenda in Europe, undermining democratic decision making in the EU and resulting in urgently needed progress on social, environmental and consumer-protection reforms being delayed, watered down or even blocked.

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Executive Summary

The "revolving door" – which appears to link the EU institutions directly to the private sector, allowing employees to move almost effortlessly between the two – is at the heart of the close relationship between the EU institutions and Brussels' lobby industry.

As the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) highlighted in a report earlier this year, a number of former European Commissioners have recently gone through the revolving door; that is they have moved straight from public office into lobbying jobs. This raised serious questions about potential conflicts of interest[1].

The phenomenon of officials working in the EU institutions, especially in very senior policy-making or decision-making roles, also going straight into an industry or corporate lobby jobs is less well known. But it is not uncommon, with senior policy officials often moving to work on issues closely related to their former public role.

Such job moves create conflicts of interest, and allow officials to potentially abuse their inside knowledge of European decision-making and their access to former colleagues for the benefit of their new corporate employers or clients. There is also risk that the prospect of going through the revolving door could influence officials while in public office, leading them to act, not in the public interest, but in the interest of future employers or clients.

This report includes details of 15 cases of senior EU officials (see Annexe 1) who have moved through the revolving door. The EU institutions have rules to govern the revolving door, but these are weak and are poorly implemented. In the cases documented in this report, many officials were allowed to move into lobbying jobs without any restrictions being imposed. In other instances, the rules appear to have been ignored entirely, until civil society groups and the media raised the cases. Overall, between January 2008 and July 2010, only one official was prevented from taking up a new position under the revolving door rules, out of 201 requests made.

The report details the following cases which raise particular concerns:

- **Mogens Peter Carl** was Director-General at DG Trade and then at DG Environment, until 2009. Just six months later, Carl became senior adviser to Kreab Gavin Andersen, one of Brussels' biggest lobby consultancies which represents chemical producer ICI and vehicle company Scania, among others. The Commission did not impose any cooling-off period.
- **Thomas Lönngren** was Executive Director of the European Medicines Agency (EMA) until December 2010. In January 2011, he set up his own consultancy and joined the NDA group, which specialises in advising the pharmaceutical industry. EMA only imposed restrictions on Lönngren after NGOs complained about the conflicts of interest provoked by these new jobs.
- **Derek Taylor** was a senior energy adviser working for DG Energy who moved to lobbying consultancy Burson-Marsteller to work as an energy adviser within weeks of retiring from the Commission. Yet Taylor's move was not authorised by the Commission at the time; permission only appears to have been sought retrospectively (in September 2011) after ALTER-EU raised the case with the Commission.
- In 2010, **Mårten Westrup** moved from DG Enterprise to BusinessEurope and lobbied former colleagues on climate change issues on behalf of BusinessEurope's industry members. Yet under the current rules, his job move did not require approval from the Commission because of a loophole which excludes staff on contracts from systematically requiring authorisation. Westrup has now gone back through the revolving door and can be found working in DG Energy.

Brussels-based lobby firms actively recruit from among the ranks of European Union officials, allowing firms to bolster their prestige and claims of 'insider access', which can help their corporate clients achieve their EU policy objectives. Research by ALTER-EU shows that over half of the lobbyists at four well-known Brussels lobby consultancies have previous experience inside the EU institutions.

It is clear that this situation needs to change – and urgently. New rules need to be developed which properly protect the public interest. In relation to the revolving door this would require a mandatory cooling-off period, effectively banning all officials from moving into lobbying jobs, or any other job which provokes a conflict of interest for officials working for European institutions and agencies for at least two years. Other loopholes in the current rules should also be closed, such as the immunity of EU staff on (temporary) contracts from systematic consideration under the regulations, and the lack of vetting and

monitoring of those who enter an EU institution from a lobby job.

The Commission is far too secretive and complacent about the revolving door, refusing repeated requests, including from MEPs and from ALTER-EU members, to pro-actively publish information about who has gone through the revolving door, or to retrospectively release information through access to documents requests. This needs to change as it is clear that external monitoring of the revolving door can only take place when there is full transparency.

As this report shows, the revolving door creates serious conflicts of interest, and undermines confidence in the probity and impartiality of decision-making in Brussels. Failure to fix the revolving door risks further undermining the independence and democratic legitimacy of the European institutions across EU member states. A review of parts of the staff regulations is already underway, led by Commissioner Maroš Šefčovič and is expected to be completed in 2012. It is imperative that the issue of the revolving door is properly considered as part of this review.

ALTER-EU urges the following changes to **improve the rules**:

- A mandatory cooling-off period of at least two years for all EU institution staff members entering lobbying or lobby advisory jobs, or any other job which provoke a conflict of interest with their work as an EU official
- A clear ban on any EU institution staff member undertaking a sabbatical which involves lobbying, providing lobbying advice, or which provokes a conflict of interest with their work as an EU official
- A clear ban on staff members starting new, external posts within two years of leaving an EU institution unless and until authorisation has been proactively given for the move
- The inclusion of a comprehensive definition of conflicts of interest
- Application to all staff working in the EU institutions (including those on contracts).

In addition, the EU institutions should **scrutinise all staff joining their employment** for potential conflicts of interest under revolving door rules. Such rules must serve to assess possible conflicts of interest that arise when a person employed by the EU institutions deals with matters which they have previously lobbied on, or which substantially affect the financial and/or commercial interests of former employers and clients. This should include: lobby consultancies, trade associations, think tanks and others. Where there is a potential conflict of interest, individuals must recuse themselves from such matters. All recusal agreements should be made publicly available online.

Improved processes should also be established and implemented which:

- Introduce a high-profile, fair, rigorous and consistent procedure to implement the rules across the EU institutions. ALTER-EU considers that there should be independent oversight to monitor the implementation of the revolving door rules
- Are backed up with adequate resources to allow revolving door cases to be investigated and monitored. The decision-makers must be allowed to make enquiries with the proposed employer of the official
- Ensure that sanctions are available to properly reinforce decisions
- Require the maintenance of an online list, on an ongoing basis, of all revolving door cases. The UK's transparency system under the Advisory Committee on Business Appointments (ACOBA) may provide a template here (see annexe 2).

Introduction

The issue of revolving door between the European institutions and the lobbying industry has come under increasing scrutiny in recent years.

A report by ALTER-EU in February 2011 revealed that half of those Commissioners who left José Manuel Barroso's first college of Commissioners (six in total) moved straight into corporate jobs raising serious questions about potential conflicts of interest[2]. These moves were possible because the code of conduct in force at the time governing Commissioners, was weak and was not properly enforced by either the Commission or its ad hoc ethical committee, resulting in a flawed approvals process[3].

However, the revolving door problem is not limited to Commissioners. As this report shows, there are many examples of high-level officials from the EU institutions who have gone straight through the revolving door into jobs which clearly create similar risks of conflicts of interest.

Of course, it is important that the EU institutions benefit from a workforce which brings in experience from many different walks of life. But this should not come at the expense of having staff at the European institutions who have serious conflicts of interest which affect their ability to work in the interests of European citizens.

This report examines how EU officials, and the lobby consultancies or businesses that they go to work for, are exploiting the revolving door. These officials move into lucrative private sector lobbying jobs where their insider access, contacts and know-how are in great demand.

What is 'the revolving door' and why does it provoke conflicts of interest?

The term 'revolving door' refers to the easy passage of staff from public sector positions to jobs in the private sector, and vice versa. The major concern about the revolving door phenomenon is the potential for conflicts of interest if ex-officials abuse the know-how, contacts or status acquired through their public sector jobs to provide their new employers or clients with invaluable insights, undue influence and privileged access.

Transparency International argues[4] that there are several distinct conflicts of interest which might arise from officials going through the revolving door into business, or vice versa:

1. Abuse of office – where an official might use their influence while in office to shape a policy or decide to ingratiate themselves with companies which might later hire them.

2. Undue influence – where an ex-official working for a company influences their former colleagues to favour the company.

3. Switching sides – where an individual moves to a private sector role which requires them to oppose their previous institution on an issue where they used to represent the institution. This can be a problem if, for example, they use privileged information gained while in office to frustrate the institution's aims.

4. Regulatory capture – where officials are overly sympathetic to the industry they must regulate because they used to work in that industry. This relates to pre-public employment in the private sector.

The OECD's definition of a 'conflict of interest' is: "a conflict between the public duty and private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities"[5]. This definition is increasingly in use by public authorities and it correctly emphasises the risk that a conflict of interest will arise, rather than requiring proof that some form of abuse has actually occurred. ALTER-EU considers that this is the right precautionary approach to conflicts of interest.

This report highlights various cases of risk of conflicts of interest arising from the move through the revolving door. Where the information is available, we also show how the authorities have failed to recognise conflicts of interest exist, or appeared to unquestioningly accept assurances from the officials concerned. In cases where the institutions recognised conflicts might arise, only inadequate restrictions which would fail to properly tackle the conflict were applied.

The revolving door is a key part of how influence is exercised over the European institutions by corporate lobbyists. When new policies, laws or regulatory frameworks are being developed by the Commission or other EU institutions, or are being debated by the Parliament, the public interest, environmental sustainability and social justice can lose out to the power of the corporate lobby with their greater spending power, influence and access.

The workforce at the European institutions is not static, and there is a constant churn of staff who join from, or leave to go to, member state administrations, civil society organisations or business. Blocking the revolving door does not mean preventing job moves, but it does mean setting up effective processes so that those moves which provoke conflicts of interest are assessed, regulated and, where necessary, blocked.

The cases

ALTER-EU has compiled evidence of a number of cases of officials going through the revolving door, based primarily on papers released from the Commission through specific access to document requests. The table below provides a summary of these cases. Further details are available in Annex 1.

Page number	Official's name	Most recent EU position	New private sector position	Year	EU institution response
15	**John Bruton** (Ireland)	EU Ambassador to the US	Senior adviser, Cabinet DN President – International Financial Services Centre	2010	No cooling-off period; two-year conditions imposed only after NGO raised case
16	**Mogens Peter Carl** (Denmark)	Director-General, DG Environment	Senior adviser, Kreab Gavin Anderson	2010	No cooling-off period; no conditions imposed
17	**Bruno Dethomas** (France)	Head of European Partnership Taskforce	Independent Associate, G+ Brussels	2011	No cooling-off period; no conditions imposed
18	**Petra Erler** (Germany)	Head of Cabinet, Enterprise and Industry Commissioner Günter Verheugen	Founder/ Managing Director, European Experience Company	2010	No cooling-off period; 18-month conditions imposed only after NGOs raised case
19	**Thomas Lönngren** (Sweden)	Executive Director, European Medicines Agency	Established own lobby firm Pharma Executive Consulting Strategic adviser, NDA Group Non-executive board member, CBio Ltd (Australia) Essex Woodlands venture capital	2011	Initially approved; two-year conditions imposed only after NGO / media raised the case
20	**Jean-Philippe Monod de Froideville** (Netherlands)	Personal Adviser, Competition Commissioner Neelie Kroes	Associate director for competition and trade, Interel	2009	No cooling-off period; no conditions imposed
21	**Michel Petite** (France)	Head of Legal Service, European Commission	Lawyer at Clifford Chance Head, Commission's ad hoc ethical committee	2008	No cooling-off period; one year conditions imposed
21	**Suzy Renckens** (Belgium)	Head, Genetically Modified Organisms unit, European Food Safety Authority	Regional Manager for Biotechnology Regulatory Affairs	2008	No cooling-off period; no conditions imposed
22	**John Richardson** (UK)	Head of Baltic sea, North sea and landlocked member state, DG MARE	Established Jandi Communications Special adviser on maritime policy and diplomacy at Fipra	2008	No cooling-off period; no conditions imposed
23	**Derek Taylor** (UK)	Energy Adviser, European Commission	Energy Adviser, Burson-Marsteller	2009	Unclear as permission does not appear to have been given in 2009; authorisation process currently underway

24	**Luc Werring** (Netherlands)	Senior Economic Adviser, DG Transport and Energy	Senior advisor on transport, energy and environment, Hill & Knowlton	2007	No cooling-off period imposed; weak conditions imposed
25	**Mårten Westrup** (Sweden)	Legal officer + Policy officer, DG Enterprise and Industry	Adviser to industrial affairs committee, BusinessEurope	2010	Not considered under staff regulations
26	**Lars Kjølbye** (Denmark)	Head of Energy and Environment Antitrust unit, DG Competition	Lawyer, Howrey	2008	No cooling-off period; only weak conditions imposed
26	**Robert Klotz** (Germany)	Energy and Water Unit, DG Competition	Adviser, Hunton & Williams	2007	No cooling-off period; only weak conditions imposed
26	**Jean-Paul Mingasson** (France)	Director-General, DG Enterprise and Industry	General adviser, BusinessEurope	2004	Unknown

	Official's name	Most recent private sector position	New EU position	Year	EU institution response
9	**Maria Martin-Prat** (Spain)	International Federation of the Phonographic Industry	Head of the Copyright Policy Unit at DG Internal Market	2011	"This is the right appointment for the position of Head of Unit for copyright issues"[6]
10	**Laura Smillie**	Communications Manager, European Food Information Council	Communication directorate, European Food Safety Authority	2010	EFSA "did not find any breach of the related governing legal provisions"[7]
25	**Mårten Westrup** (Sweden)	Adviser to industrial affairs committee, BusinessEurope	Energy policy & monitoring of electricity, gas, coal and oil markets, DG Energy	2011	Not known

In breach of the regulations

The Staff Regulations for Officials of the European Communities[8] set out the rights and responsibilities for officials working within the EU institutions (including the Commission, the European Council, European Parliament, European agencies, overseas European delegations etc). Since 2009, these regulations also cover assistants working directly for MEPs (but not the MEPs themselves), but assistants are exempt from some specific rules because of the political nature of the work that they do.

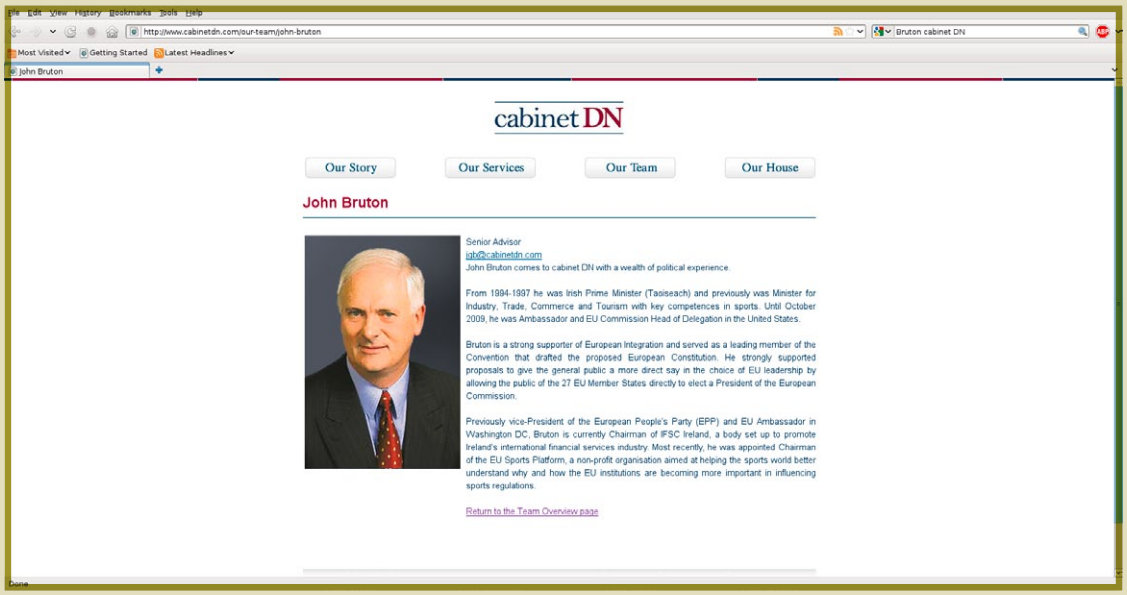
Article 16 of the staff regulations stipulates that after leaving service, there is a two-year notification period during which officials have to inform their former institution of any intention to engage in other paid work. If the ex-official's future employment is deemed to entail a potential conflict with the interests of their former institution, the Commission can prohibit the move or attach certain conditions to it. These regulations apply to all permanent staff members working across the EU institutions.

Many of the examples found by ALTER-EU are in breach of these regulations. These cases illustrate how the rules and procedures governing this phenomenon are not working effectively. In some cases, the rules were ignored entirely until civil society raised the cases.

The relevant paragraph from the staff regulations (article 16 (96))

"An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits. Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance."

From Ambassador to lobbyist



John Bruton, former Irish Prime Minister and EU ambassador to Washington DC until November 2009 went through the revolving door to become the president of the Dublin-based International Financial Services Centre in September 2010 and later the same year became a senior advisor to the Brussels-based lobby consultancy, Cabinet DN – which acts for a number of US clients including AT&T and the Financial Future Forum.

The Commission only authorised the move after Corporate Europe Observatory enquired about authorisation. Bruton claims he had asked for authorisation earlier, but his request appears to have been lost in the post.

Somewhat after the event, the Commission imposed a two-year condition that Bruton should not be in contact with former colleagues at DG RELEX about issues he had previously dealt with, and that he did not deal with cases which he had dealt with in Washington.

ALTER-EU believes Bruton should have been subject to a cooling off period.

The unauthorised revolving door

Derek Taylor joined DG Energy in 1984, retiring in June 2009 after a 25-year career including work on nuclear policy and energy issues, including clean coal and carbon capture and storage. He joined lobby consultancy Burson-Marsteller as an adviser on energy issues on 31 August 2009. Burson-Marsteller's clients include: Suez Environnment, Exxon Mobil Chemical and the European Roundtable of Industrialists[9].

When CEO asked the Commission for the documents relating to the approval of Taylor's role at Burson-Marsteller, the Commission replied that these documents had only been received on 12 September 2011, after CEO's request and two years after Taylor started working for Burson-Marsteller.

Taylor also became a director of the controversial NGO Bellona Europe in 2009[10]. Criticised for its close links with parts of industry, Bellona claims to "influence the EU as well as to provide the rest of Bellona with intelligence on EU policy... shaping EU policies on: CO_2 capture and storage; carbon negative solutions..."[11].

Taylor was also the European representative of the Global Carbon Capture and Storage Institute from 2010-2011, and has now set up his own consultancy, DMT Energy Consulting, based in Brussels.

ALTER-EU considers that the Commission should have imposed a substantial cooling-off period on Taylor.

From EU medicines chief to medicines consultant

Thomas Lönngren was Executive Director at the European Medicines Agency (EMA) – responsible for evaluating all medicines sold in the EU - for 10 years, retiring at the end of 2010. The next day he went through the revolving door to become a consultant in the pharmaceutical sector, establishing his own lobby firm (Pharma Executive Consulting). He informed the Commission of this new role three days before his departure. The chairman of the EMA management board said the EMA had no objections to this work.

Following media reports about the move, EMA's acting director, Andreas Pott asked Lönngren for more information about his consultancy work in February 2011, to "help to stop the rumours currently surrounding us and which are in danger of getting out of hand"[12].

Lönngren's response revealed six further roles, including working as a strategic advisor for a leading consultancy for the pharmaceutical industry and involvement in a venture capital company investing in the healthcare sector.

The EMA did not block the work, but did impose conditions, including barring Lönngren from "holding any kind of managerial, executive or consultative role in pharmaceutical companies or industry associations", and from providing "product-related guidance or advice" about any matter falling within the remit of the Agency[13].

Staff who go on sabbatical

In 2009 alone, 486 officials took a sabbatical from EU work, with 35 per cent of these going to a business role[14]. The Commission welcomes sabbaticals for its staff, saying that it "is in principle favourable to staff getting further experience outside the Commission as their career develops: it is important that we are aware of new ideas and practices in other business sectors"[15]. Sabbatical appointments can last for periods longer than one year and staff members have the automatic right to return to their old job.

Specific revolving door rules are applied to those who wish to go on sabbatical and officials are told that they cannot deal with cases that they have been involved in during the past three years and cannot take part in professional meetings with their former department, on behalf of their new organisation, for six months (one year in the case of senior staff[16]). These rules are slightly stricter than those which govern officials permanently leaving the Commission, and recognise that someone on sabbatical retains a link with the Commission[17].

Nonetheless, sabbatical appointments form an important part of the revolving door problem and there is no outright ban on EU staff undertaking sabbaticals which involve lobbying, providing lobbying advice or which provoke other conflicts of interest.

Year	Number of officials going on sabbatical	% engaging in commercial activities during the sabbatical	Number of officials engaging in commercial activities during the sabbatical
2006	589	39%	229
2007	642	40%	257
2008	476	33%	157
2009	486	35%	170

A revolving door sabbatical – the case of Maria Martin-Prat

In 2011, **Maria Martin-Prat** became Head of the Copyright Policy Unit at DG Internal Market. Yet between October 1999 and August 2004, she took a sabbatical from the Commission and went to work for the International Federation of the Phonographic Industry, a major lobby group demanding tougher copyright laws[18]. At the time of her appointment, Dutch MEP Marietje Schaake and Swedish MEP Christian Engström asked the European Commission about the appointment: "Does the Commission not see any problems in recruiting top civil servants from special interest organisations, especially when being put in charge of dossiers directly related to their former employers? If not, why not?"[19] Commissioner Michel Barnier, who is responsible for DG Internal Market, replied that he was confident "that this is the right appointment for the position of Head of Unit for copyright issues"[20].

Staff on contracts

The revolving door rules do not systematically apply to staff on (temporary) contracts. According to the Commission: "only those contract staff who have had access to sensitive information shall be subject to [revolving door] obligations"[21]. The service where the contracted staff member was employed is required to determine whether the individual had access to any sensitive information. Yet some staff on contracts can work for the Commission for periods of several years, and the issue of whether an official might have had access to sensitive information is not related to whether or not a future job move might provoke a conflict of interest. This represents a major loophole in the present rules.

The exclusion of contract staff from the revolving door rules is not universal across the European institutions. The European Medicines Agency appears to apply the revolving door rules to all staff stating that: "All staff members (short or long contract) that leave the Agency have to complete a form that explains the nature of any work they are moving on to so that the Agency can assess it for any conflict and notify the staff member accordingly"[22].

Contract staff and the revolving door - the case of Mårten Westrup

Between 2007 and 2010, Mårten Westrup had two contracts to work at DG Enterprise, initially on regulatory and competition matters concerning the automobile industry, and then on space and security issues. During that time he authored or co-authored legislative proposals, impact assessments, policy documents and notes to EU ministers[23].

He left the Commission in September 2010 and took up a position at BusinessEurope as adviser to their Industrial Affairs Committee (in charge of climate change). BusinessEurope is widely considered to be the most powerful lobby organisation in Brussels, representing major industry and employer groups from across the EU. Evidence shows that Westrup lobbied former colleagues at DG Enterprise on climate change issues on behalf of BusinessEurope[24].

Despite the obvious risk of conflicts of interest, the Commission did not examine Westrup's job move. According to the Commission, Westrup did not have access to "sensitive information" during his time at the European Commission, which meant that he did not require permission to go through the revolving door[25].

In June 2011, Westrup left BusinessEurope and went back through the revolving door, returning to work at the Commission, this time at DG- Energy in the unit responsible for "energy policy & monitoring of electricity, gas, coal and oil markets"[26].

More information on this case can be found in Annexe 1.

Staff who join EU institutions

The rules applied when officials join the Commission or other EU institutions directly from lobby or industry jobs (sometimes called going through the 'reverse revolving door') are unclear. Article 11a of the staff regulations state that an official "shall not, in the performance of his duties ... deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests" and that the institution can "relieve the official from responsibility in this matter" if this is the case[27].

Yet despite recent high profile cases of officials moving to EU institutions from lobby jobs, there are no specific processes which are automatically applied to review conflicts of interest when new staff join. This loophole should be addressed.

Entering an EU institution from a lobby job – the case of Laura Smillie

Laura Smillie started working for the European Food Safety Authority's (EFSA) communication directorate on 17 May 2010. Three weeks earlier, she was employed by the European Food Information Council (EUFIC) where she had worked for five years as communications manager. EUFIC is a food-industry sponsored think-tank whose members and funders include companies such as Coca-Cola, Danone, Kraft Foods, Mars, McDonald's, Nestlé, and Unilever – all big players in the European food lobby.

One of Smillie's responsibilities at EFSA is for 'risk communication' guidelines[28]. This was also an area that she was responsible for at EUFIC. There the approach to risk communication was developed to serve the interests of the companies represented ie. to limit the media impact of a food crisis and potential losses for the food industry. NGOs are concerned that a similar approach could be implemented at EFSA, compromising the public's interest in there being an open and truthful communication policy on food safety issues[29].

In November 2010 Corporate Europe Observatory, Testbiotech and Food and Water Europe submitted a formal complaint to EFSA about the way in which Smillie's conflict of interests was handled. Despite an exchange of letters between EFSA and the NGOs, this complaint remains outstanding.

EU secrecy about the revolving door

ALTER-EU member Corporate Europe Observatory (CEO) has asked the Commission for details of officials going through the revolving door since 2008 in order to monitor whether the staff regulations were being effectively implemented. The European Parliament's environment committee has also asked the Commission to report on all revolving door cases[30]. Yet the Commission has failed to comply, and has not published a central record of revolving door applications and authorisations. This makes monitoring very difficult[31]. It is impossible to know the full extent of the revolving door problem or to assess all the potential conflicts of interest at stake. This approach of the Commission is mirrored by the other institutions, including the agencies.

Given this absence of detailed information about staff going through the revolving door, CEO wrote to the Commissioner for inter-institutional relations and administration, Maroš Šefčovič in September 2011 to request that the Commission compiled a list of all requests and authorisations made under article 16 of the staff regulations, with a view to pro-actively publishing comprehensive details in the future. At the time of writing, no response has been received.

In the UK, the Advisory Committee on Business Appointments (ACOBA) maintains an on-line list (updated on a monthly basis), of all appointments taken up by former officials for which authorisation was required and maintains an on-line archive[32]. The Commission could learn from this approach. For more information see Annexe 2.

The Commission's track record on regulating the revolving door

The Commission's record on implementing the current staff regulations and dealing with revolving door cases involving officials appears to be unimpressive. While the Commission has the power to refuse to authorise a proposed job move, between January 2008 and July 2010, only one request for job authorisation was refused out of the 201 requests made (0.5 per cent); another was made subject to a "partial authorisation" of activity; and 34 (17 per cent) received "conditional authorisation"[33].

While the secrecy surrounding the revolving door makes it difficult to know the full extent of the problem, we know that of the cases featured in this report, none were the subject of a cooling-off period or ban on taking up the appointment. The table below illustrates four instances of the revolving door moves by some of its most senior officials, and the response of the Commission. More information on all these cases can be found in Annexe 1.

Official	Commission role	New lobby role	Commission ruling
Mogens Peter Carl	Director-General, DG Environment	Senior adviser, Kreab Gavin Anderson	No cooling off period
Bruno Dethomas	Head of European Partnership Taskforce	Independent associate, G+	No cooling off period
Jean-Philippe Monod de Froideville	Personal Adviser, Competition Commissioner	Associate director for competition and trade, Interel	No cooling off period
John Richardson	Top official developing integrated maritime policy, DG MARE	Special adviser on maritime policy and diplomacy, Fipra	No cooling off period

Nom de l'organisme : Conseiller à temps partiel auprès de la société KREAB,
[redacted]
Téléphone : [redacted] Fax : [redacted]
Email : gdanell@kreabgavinanderson.com
Type d'activité de l'organisme :Bureau de conseil international
Précisez si cet organisme reçoit des fonds de la Commission européenne ?
Aucuns, à ma connaissance.
Description de l'activité envisagée : Activités de conseil stratégique en matière de relations économiques internationales, y compris les questions concernant l'énergie ; faciliter la compréhension des clients de Kreab du contexte européen.

ADMIN B3
Reçu le
7. 12. 2009

Mogens Peter Carl's application to move to Kreab Gavin Anderson

The Commission is currently reviewing elements of the staff regulations. Its proposal currently covers issues relating to working hours, pay and pensions, but not the revolving door rules, in a process led by the Commissioner for inter-institutional relations and administration, Maroš Šefčovič[34].

When Commissioner Šefčovič appeared before the European Parliament in January 2010 for his confirmation hearing, he said: "Concerning the problem of the revolving-door policies [for Commissioners] ... there is a certain time limitation and there are rules about what kind of a job you can do once you leave the Commission. So we would not abuse the information you gathered during the performance of your official duties. We have to look at how we can incorporate it in the rules which are applicable to the staff. I think this debate will be here – and it will not be in five years' time, because we have to make the changes at the latest by end of 2012"[35].

The Commission can introduce new topics to the agenda of the staff regulations' review before the necessary negotiations with trade unions and consultation with other EU institutions are complete. ALTER-EU urges Commissioner Šefčovič to do so.

Revolving doors and corporate lobbyists

As outlined above, it is very difficult to know how many former officials have moved through the revolving door. Yet looking at a selection of Brussels-based lobbying consultancies illustrates the potential scale of the revolving-door problem.

ALTER-EU analysed the backgrounds of staff[a] working at four of Brussels' biggest lobby consultancies: Burson-Marsteller, Cabinet DN, Gplus (G+) Europe and Kreab Gavin Anderson. This evidence shows that at each of these firms, more than 50 per cent of senior and / or lobby staff have previous experience inside the EU institutions.

The EU Transparency Register's Code of Conduct for Lobbyists includes a clause about the employment of former officials or other EU staff by lobby firms. It says that it expects that they will "respect the obligation of such employees to abide by the rules and confidentiality requirements which apply to them"[36]. The code does not seek to prevent the revolving door, nor does it demand that the names of individual lobbyists be declared in the register, nor is the code effectively policed.

According to Peter Guildford, founding partner at G+ (and an ex-spokesman for former-Commission President Romano Prodi): "Business in Brussels is not about address books. It does help to know people, but what is key is the insight gained from having worked with these people!"[37]

In her "Survival guide to EU lobbying" Caroline De Cock, an experienced EU lobbyist, remarks of ex-officials who go through the revolving door to commercial lobbying: "They can be of great value, by opening the door to people and offices that would otherwise remain unattainable to your lobbying efforts"[38].

For those who move from the EU institutions into the private sector, it can be extremely lucrative. According to Russell Patten of lobby consultancy Grayling Global: "If you are really good, you can earn up to 350 euro per hour ... for ex-Commissioners or top civil servants this can be up to 500 euro per hour". Patten estimates that about half of the Brussels-based lobbyists previously worked in the EU institutions[39]. That fits with ALTER-EU's own research findings.

Brussels consultancy firm	Number of senior / lobby staff who previously worked at European Commission	Number of senior / lobby staff who previously worked at the European Parliament	Total % who previously worked at EU institutions
Burson-Marsteller	6 - including 1 ex-Director-General	5	53%
Cabinet DN	7	10 - including 3 ex-MEPs	73%
G+	20	4 - including 2 ex-MEPs	52%
Kreab Gavin Andersen	14 - including 1 ex-Commissioner and 3 ex-Directors-General	5 - including 1 ex-MEP	54%

[a] ALTER-EU used the information available on the lobby consultancies' websites, focussing on senior staff and / or those likely to be directly involved with clients.

Lessons to be learned

The various cases presented in this report (see Annexe 1) clearly demonstrate an urgent need to learn the lessons and to block the revolving door between the EU institutions and big business.

- **The EU institutions impose only weak conditions on former staff who accept new jobs which provoke apparent conflicts of interest; the Commission is too reluctant to implement cooling-off periods or bans on lobbying jobs.** While the authorities have the option to prevent a job move for two years, this is extremely rare. In the cases featured here, the EU institutions did not impose any cooling-off period to block an official taking up a particular appointment, and only occasionally put any conditions or restrictions in place. When it does impose conditions, there appears to be **no system whereby the authorities monitor an ex-official's new employment to ensure that he has abided by the terms and conditions set out within the Commission's authorisation**.
- **The staff regulations do not systematically cover members of staff on temporary contracts.** It is untenable that different rules apply to officials depending on whether they are permanent staff or whether they are employed on a contract. Conflicts of interest are conflicts of interest no matter what kind of employment basis an employee has. In addition, a contract employee's access to "sensitive information" is irrelevant to any assessment of potential conflicts of interest.
- The rules applied when officials join the Commission or another EU institution from a lobby job are unclear and **there appear to be no specific procedures which are automatically applied to review the conflicts of interest when new staff join**. Significant conflicts of interest can be created when lobbyists or others from industry move into a related job in the EU institutions.
- **The Commission is unaccountable on the revolving door issue**. It refuses to either pro-actively publish, or reactively release when asked, a list of cases. The Commission does not maintain a database of all decisions made on revolving door cases; this needs to change.
- **Some former EU staff may be using their time in office to negotiate future private sector roles**. The rapidity of some of the moves that ex-officials have made into the private sector immediately upon leaving a European institution, suggests that these roles may have been negotiated while the official was in public office. This would create significant conflicts of interest if the job negotiations have influenced their work as a public official.
- **An unclear and narrow understanding of conflicts of interest appears to be applied by the EU institutions when judging revolving door cases.** The Commission seems to accept unquestioningly statements from the applicants that no conflicts of interest exist. According to the precautionary approach taken by the OECD's definition of conflicts of interest[40], decision-making authorities should always consider the extent to which ex-staff members *could* exploit know-how, expertise and contacts gained while working at the EU institutions, giving new employers or clients an advantage.
- **Decisions are being made on incomplete information**. Too often, the decision-making authorities accept what they are told, and make decisions based on a line or two of information provided by the former EU official in their authorisation request.
- Of the cases featured in this report, at least four (or more than 25 per cent) did not receive authorisation before starting (some of) their new posts. This implies that **some staff may not be aware of the current rules or might choose to ignore them.** There appear to be no sanctions in place to ensure that officials notify the Commission in due time. Article 16's reference to "implicit acceptance" if no notification has been received by an official afer 30 working days of submitting their approval, is a loophole which needs tightening up.
- **There is no common procedure for implementing article 16 of the staff regulations across the EU institutions**. Specifically, each European institution and agency has to decide how to implement this element of the staff regulations. A common procedure could help to ensure that the regulations have a higher profile and are taken more seriously.

New revolving door rules for Commissioners

In April 2011, the Commission agreed a revised code of conduct for Commissioners[41]. This extended the period during which ex-Commissioners should seek approval of new posts from 12 to 18 months. Former Commissioners are explicitly banned from lobbying and advocacy, although the ban only applies for 18 months and only covers issues within the ex-Commissioner's former portfolio. This narrow approach ignores the fact that the Commission takes decisions collectively meaning that Commissioners are involved in decisions on issues that go beyond their own portfolio.

Referring to the new code, ALTER-EU said: "The European Commission's code of conduct includes a number of improvements, but fails to effectively tackle the revolving door problem. The changes announced are too weak to prevent potential conflicts of interest when ex-Commissioners take up new roles"[42]. ALTER-EU considers that the Commissioners' code of conduct needs tightening.

Change is urgently needed: what we propose

It is time to introduce new provisions to combat conflicts of interest in the regulations which govern staff across the European institutions. As shown by this report, there are various shortcomings and loopholes regarding conflicts of interest in the current staff regulations which are in urgent need of fixing.

Indeed the time is right for the Commission to address this issue. Elements of the staff regulations are already under review, in a process likely to be completed during 2012. It is vital that Commissioner Šefčovič introduces article 16 and the revolving door as urgent areas to be considered under the current review.

ALTER-EU urges the following changes to **improve the rules**:

A mandatory cooling-off period of at least two years for all EU institution staff members entering lobbying or lobby advisory jobs, or any other job which provoke a conflict of interest with their work as an EU official

- A clear ban on any EU institution staff member undertaking a sabbatical which involves lobbying, providing lobbying advice, or which provokes a conflict of interest with their work as an EU official.
- A clear ban on staff members starting new, external posts within two years of leaving an EU institution, unless and until authorisation has been proactively given for the move.
- The inclusion of a comprehensive definition of conflicts of interest.
- Application to all staff working in the EU institutions (including those on contracts).

In addition, the EU institutions should **scrutinise all staff joining their employment** for potential conflicts of interest under revolving door rules. Such rules must serve to assess possible conflicts of interest that arise when a person employed with the EU institutions deals with matters which they have previously lobbied on, or which substantially affect the financial and/or commercial interests of former employers and clients. This should include: lobby consultancies, trade associations, think tanks and others Where there is a potential conflict of interest, individuals must recuse themselves from such matters. All recusal agreements should be made publicly available online.

Improved processes should also be established and implemented which:

- Introduce a high-profile, fair, rigorous and consistent procedure to implement the rules across the EU institutions. ALTER-EU considers that there should be independent oversight to monitor the implementation of the revolving door rules.
- Are backed up with adequate resources to allow revolving door cases to be investigated and monitored. The decision-makers must be allowed to make enquiries with the proposed employer of the official.
- Ensure that sanctions are available to properly reinforce decisions.
- Require the maintenance of an online list, on an ongoing basis, of all revolving door cases. The UK's transparency system under the Advisory Committee on Business Appointments (ACOBA) may provide a template here (see annexe 2).

Commissioner Šefčovič has set himself a timetable[43] to tackle the revolving door for staff working at the EU institutions – the clock is now ticking.

Annexe 1

15 revolving door cases

Based primarily on papers released from the Commission through specific access to document requests, this annexe presents 15 cases which illustrate the problem of officials going through the revolving door and shows how the rules and procedures governing this phenomenon are not working effectively. In some cases, the rules were ignored entirely until civil society raised the cases.

John Bruton

The top EU official in Washington left to work for a lobby consultancy representing major US corporate interests. Approval request was sent, but not received by the Commission. Post eventually authorised several months late. Restrictions imposed by Commission but no cooling-off period

John Bruton, former Irish Prime Minister and EU ambassador to Washington DC until November 2009, was hired as the president of the Dublin-based International Financial Services Centre (IFSC) in May 2010 to start work in September of the same year. In December 2010, he also took up a post as senior adviser to the Brussels-based lobby consultancy Cabinet DN. Cabinet DN's portfolio includes major US clients such as AT&T and a subsidiary of the New York Stock Exchange, as well as the Financial Future Forum[44]. The listing for Cabinet DN on the EurActiv website says, "[its] international and politically experienced staff is seasoned in providing 'value added' public affairs and policy advice by leveraging their political networks in the EU institutions and the Member States"[45].

The Commission did not initially receive information about these appointments. In December 2010 when CEO first heard about Bruton's new jobs, it requested documents relating to the Commission's authorisation of the moves. The Commission replied on 20 January 2011 that they did not have any documents related to the case. The reason for that soon became clear. After CEO pointed out that this meant that Bruton had violated his obligations under the staff regulations, the Commission wrote back on 25 January to say that they had only just received Bruton's application for the approval of his new employment. Bruton said that he had previously sent the documents; the Commission maintain that they had not received them[46].

It appears that the Commission only contacted Bruton after CEO inquired about his new jobs[47]. Bruton's new roles represented potential conflicts of interest with his former EU employment but as the Commission had not received Bruton's application, this went completely unnoticed. Instead, the Commission should be proactive in monitoring and enforcing the revolving door rules.

The Commission accepted Bruton's new employment provided that, for two years, he was not in contact with former colleagues at DG RELEX (the previous Commission's foreign affairs department) about issues with which he had previously dealt, and that he did not deal with cases or files with which he might have had dealings while in Washington[48]. Considering the potential scope of Bruton's new roles and his undoubtedly extensive contact book and inside know-how, these restrictions seem totally inadequate to prevent conflicts of interest from arising. To tackle the conflicts of interest which these appointments provoke, ALTER-EU considers that the Commission should have imposed a substantial cooling-off period.

Mogens Peter Carl

The top EU environment official went to work for major lobbying company representing major energy and chemical multinationals. No cooling-off period imposed

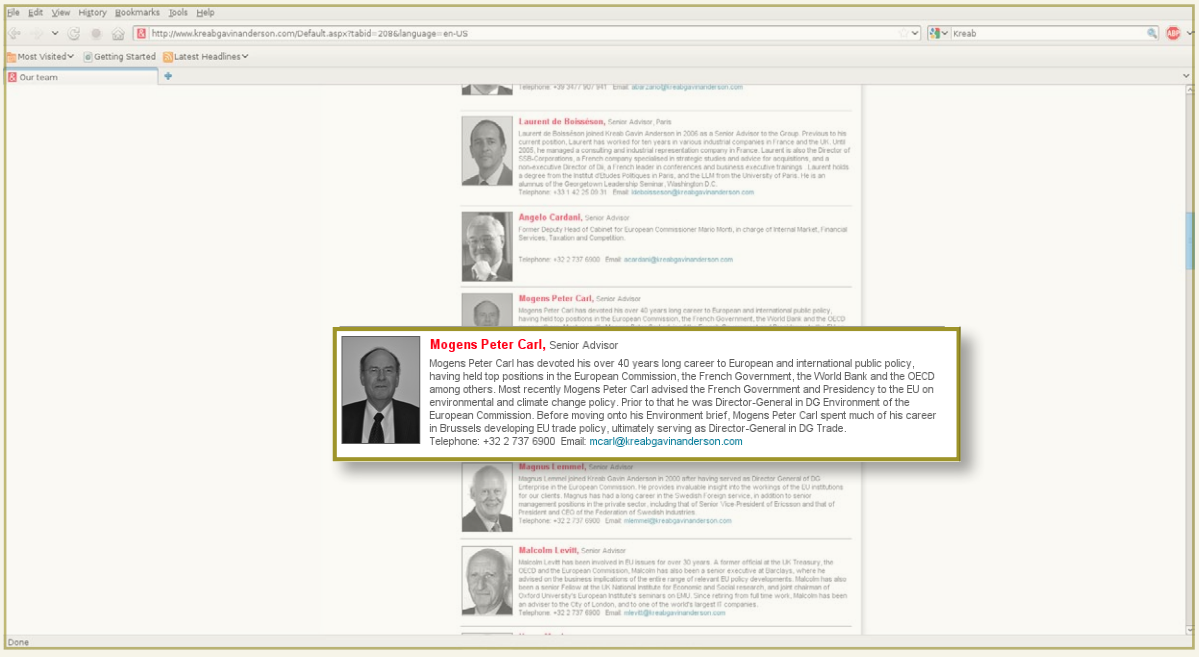
Mogens Peter Carl, a Danish official, is a former Director-General at DG Trade and more recently at DG Environment. Before retiring from the Commission in August 2009, he took a leave of absence to advise the French government on environment and climate change policy.

In February 2010, just six months after he had retired from DG Environment, Carl became senior adviser at Kreab Gavin Anderson, one of the world's leading lobby consultancies. Kreab lobbies the EU institutions on behalf of numerous companies with huge interests in the policies that Carl used to deal with, including chemical producer ICI and vehicle company Scania[49].

In March, Carl represented Kreab at the European Raw Materials Conference 2011, speaking at a session entitled 'co-operation not conflict: how can we head-off the possibility of global resource wars'[50]. The Commission's Raw Materials Initiative has been developed by DG Enterprise with inputs from DGs Trade and Environment, among others. Securing access to cheap raw materials is an issue of growing concern to Europe's major industries who have been lobbying hard for Europe to take a proactive and even hard-line approach, regardless of the impacts on the environment or on communities in the global south[51]. In May 2010, several months after he had left the Commission, Carl spoke at another conference entitled 'US-EU Dialogue on Sustainable Energy Security' confusingly presenting the "EU Commission perspective" in a session called 'realistic and feasible strategies and action plans to ensure economically sustainable and environmentally responsible energy'[52]. This gives an indication of the potential blurring of the distinction between the Commission and the lobby industry that the revolving door can bring about.

Carl informed the Commission of his intention to take the job at Kreab in November 2009 as required by the regulations, saying he would be providing "strategic consulting on international economic relations including energy issues"[53]. In layman's terms, he would be acting as a lobby adviser on some of the same issues that he had overall responsibility for at DG Environment. Despite the obvious potential for conflicts of interest, the Commission allowed Carl to take up the position with the standard proviso that officials continue to be bound by a duty to behave with integrity and discretion and that they should not divulge confidential information[54]. The Commission could have imposed a cooling-off period or some other restriction but instead decided that Carl's new activities were appropriate and compatible with the existing rules.

In April 2010, Corporate Europe Observatory complained to the Commission about this case and the extent to which Article 16 had been fully applied. The Commission rejected the complaint[55].



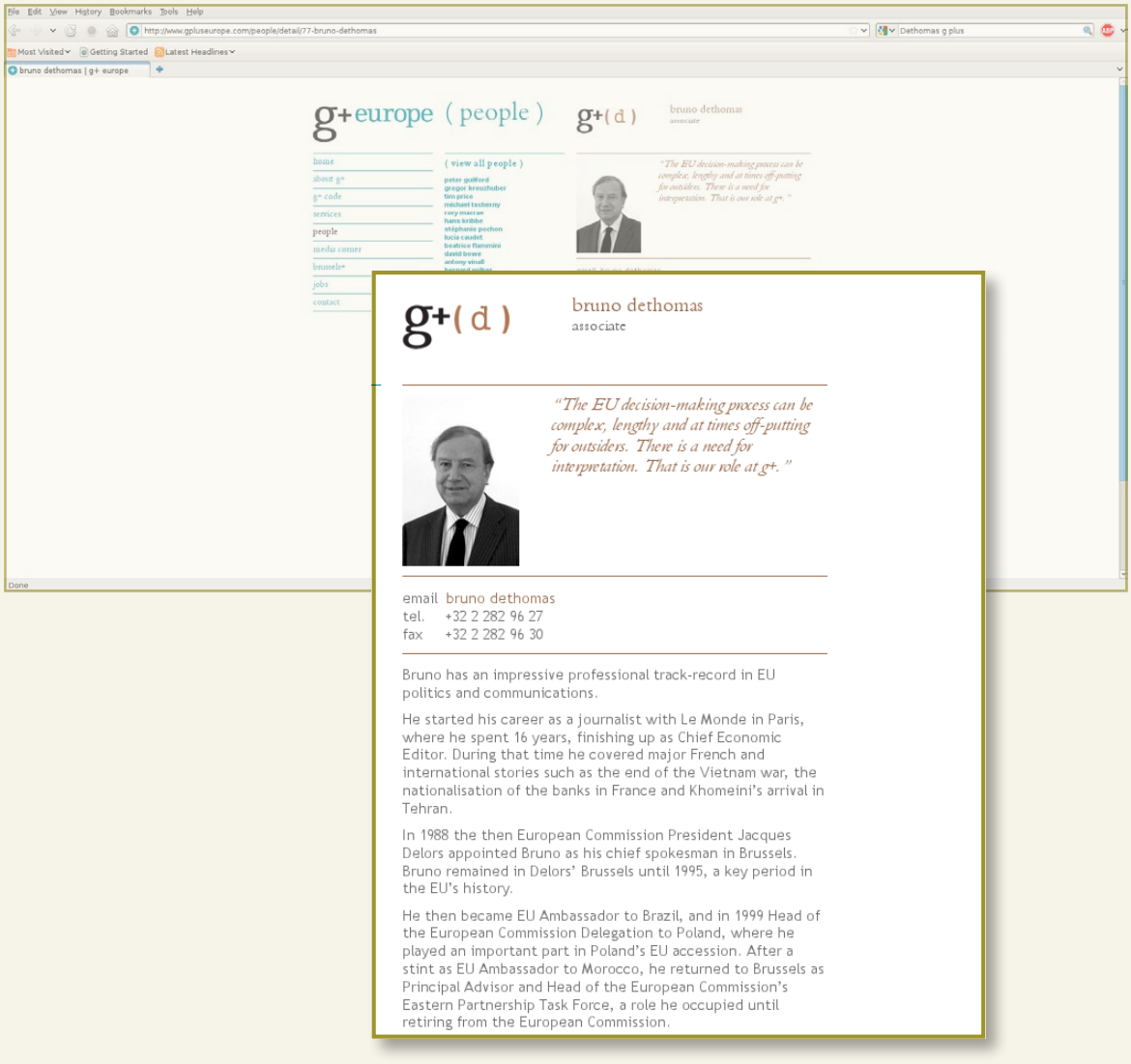
Bruno Dethomas

A top EU official leading on relationship-building between the EU and Russia, moved to one of the biggest Brussels lobby firms representing major Russian interests. No cooling-off period imposed

Dethomas was chief spokesman for Commission President Jacques Delors from 1988 until 1995. He subsequently became EU ambassador to Brazil, Head of the EU Delegation in Poland, EU Ambassador to Morocco, and then Principal Advisor and Head of the European Commission's Eastern Partnership Taskforce (looking at relationships between the EU and non-EU states in the East including Russia and Georgia). He retired from the Commission at the end of December 2010. On 15 March 2011 he submitted a request to the Commission to join G+ Europe as an independent associate[56].

As to whether his new activity would have any links with the work of the Commission, Dethomas wrote: "Eventually yes, but these activities won't have anything to do with my activities whilst working in the Commission"[57]. The Commission accepted this and Dethomas' job move was approved without any conditions, save the standard reminder about integrity, discretion and confidentiality.

On the G+ website, Dethomas is quoted as saying: "The EU decision-making process can be complex, lengthy and at times off-putting for outsiders. There is a need for interpretation. That is our role at G+"[58]. G+ works alongside several other agencies to provide advice to clients Gazprom Export and the Russian Federation, both of which are likely to be very interested in the insights of a former Head of the Commission's Eastern Partnership Taskforce[59]. At the time of the appointment, Peter Guilford, the executive chairman of G+ said "His experience as EU Ambassador in Eastern Europe ... will help us deepen our footprint in these growth regions"[60].



Petra Erler

Former head of cabinet, set up own EU lobby consultancy. Authorisation was not requested for several months. Restrictions imposed by Commission but no cooling-off period

Dr Petra Erler joined the European Commission in 1999 as a member of the cabinet of Commissioner Günter Verheugen, when he was in charge of enlargement. From 2004, Verheugen became Commissioner responsible for enterprise and industry and Erler continued to serve as a member of his cabinet. In 2006 it was reported in the media that the Commissioner and Erler were having a relationship[61]; she was appointed as head of his cabinet in 2006.

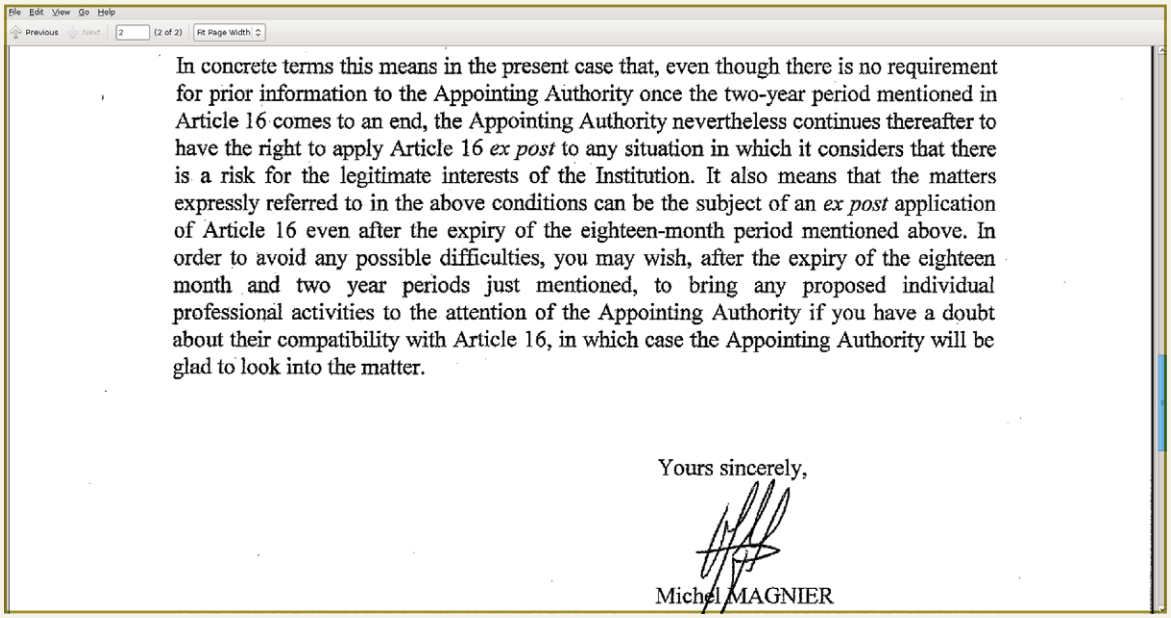
In 2010, both Erler and Verheugen left the Commission and in April 2010 set up the European Experience Company (EEC) which apparently offers "creative solutions and the best strategy for your success in dealing with European institutions"[62]. Erler is listed as managing director, Verheugen is a 50 per cent shareholder. Yet neither Erler nor Verheugen applied to the Commission for authorisation to set up the EEC until the media started to raise the issue. Erler only submitted an application for authorisation on 30 August 2010.

Following an access to documents request submitted by Friends of the Earth Europe, correspondence was released which showed that the Commission "took note of the regret [Erler] expressed regarding the late notification of this new activity". It continued that it was "pleased to authorise" Erler's new job so long as she did not engage in lobbying individuals from her former department or those from Verheugen's cabinet. She was also told not to advise any companies that had been subject to any decisions taken by Verheugen[63].

The conditions applied to Erler do not prevent privileged access or conflicts of interest; commissioners (and their senior staff) are involved in a wide number of issues which stretch far beyond the scope of their immediate portfolio. Yet there were no wider restrictions placed on Erler. The Commission chose not to prevent Erler's involvement in the EEC by introducing a cooling-off period, and in fact, it made a similar ruling on Verheugen's involvement in the EEC. This latter decision by the Commission over-ruled the advice from its own ad hoc ethics committee which had recommended rejecting his application.

Nonethless, from the correspondence seen, it is possible to detect that the Commission had significant concerns about the EEC. The letter to Erler concludes with a reminder that the Commission continues "to have the right to apply Article 16 *ex post* to any situation in which it considers that there is a risk for the legitimate interests of the Institution ... In order to avoid any possible difficulties, you may wish, after the expiry of the eighteen month period, to bring any proposed individual professional activities to [our] attention if you have a doubt about their compatability with Article 16"[64]. ALTER-EU has not seen such a reminder included in other letters to ex-staff.

According to the EEC's own website, the company undertakes activities on behalf of clients, such as: "intensive management seminars ... in cooperation with experts from European institutions; analytical background papers and strategy recommendations in the area of EU-policy; support for your public relations endeavours in European affairs"[65]. Many would consider these activities as lobbying, yet the EEC denies that lobbying forms part of its activities. Presumably this is why it has not joined the EU Transparency Register – and does not publish details of its clients.



In concrete terms this means in the present case that, even though there is no requirement for prior information to the Appointing Authority once the two-year period mentioned in Article 16 comes to an end, the Appointing Authority nevertheless continues thereafter to have the right to apply Article 16 *ex post* to any situation in which it considers that there is a risk for the legitimate interests of the Institution. It also means that the matters expressly referred to in the above conditions can be the subject of an *ex post* application of Article 16 even after the expiry of the eighteen-month period mentioned above. In order to avoid any possible difficulties, you may wish, after the expiry of the eighteen month and two year periods just mentioned, to bring any proposed individual professional activities to the attention of the Appointing Authority if you have a doubt about their compatibility with Article 16, in which case the Appointing Authority will be glad to look into the matter.

Yours sincerely,

Michel MAGNIER

Extract from the letter to Petra Erler

Thomas Lönngren

Former head of EU agency, responsible for approving medicines, set up own lobby consultancy. Agency approved move, but had to re-consider when NGOs pointed out that the official has accepted other paid roles, including for a consultancy specialising in medicines' approval. Ultimately restrictions imposed by agency, but no cooling-off period

Thomas Lönngren was the Executive Director of the European Medicines Agency (EMA) for 10 years until his retirement on 31 December 2010. EMA is a London-based EU agency tasked with the evaluation and authorisation of all medicines sold in each member state. Lönngren went through the revolving door only a day after officially leaving the EMA.

On 28 December 2010 Lönngren informed EMA's management board of his intention to become a consultant within the pharmaceutical sector from 1 January 2011 by establishing his own lobby firm (Pharma Executive Consulting). On 11 January 2011, Pat O'Mahony, chairman of the EMA management board wrote to Lönngren saying the EMA had no objections to this work.

However, following media reports about the possible conflicts of interest arising from Lönngren's new employment, on 8 February 2011 Andreas Pott, Acting Director of EMA wrote to Lönngren to request that he send a note about all his contractual activities. This email gives a clear indication of EMA's complacent attitude to Lönngren's post-EMA employment[66] (see below).

It was in reply to this email, on 11 February, that Lönngren wrote back to detail six other contractual arrangements he had entered into including:

- Work as a strategic advisor[67] at NDA Group, a leading consultancy firm for the pharmaceutical industry from 17 January 2011[68]. NDA's website says that "NDA's mission is to ensure that good medicines reach patients without unnecessary delay. NDA accomplishes this by providing the pharmaceutical industry with a comprehensive range of professional services within regulatory affairs, health technology assessment, pharmacovigilance and quality assurance"[69]. One of NDA's specialities is helping firms to get new medicines through the approval process and onto the market, although Lönngren wrote that he has "no involvement in the company's product specific advice on the regulatory side"[70].
- A non-executive board member of pharmaceuticals company CBio Ltd, Australia (27 January 2011).
- Essex Woodlands, a venture capital company investing in the healthcare sector, where Lönngren was hired for six months to "provide strategic advice on business plans" (17 January 2011).

Lönngren's memo also listed associations with three other organisations: the CMR Institute, the Tapestry network and the Athenaeum network, all of which have ties to the pharmaceutical industry. While the EMA management board were considering this information, they were also sent a further memo on 7 March by a firm of solicitors acting on behalf of Lönngren which detailed additional information about these contracts.

Ultimately, the EMA board did not prevent Lönngren's consultancy work although they imposed a set of limitations for a period of two years which included prohibitions on "holding any kind of managerial,

Dear Thomas,

I hear you have talked to Martin on the ongoing public turmoil which surrounds you and the agency these days.

You will know that we find this as embarrassing as it is certainly for you....but we have to live with it and react in the most constructive way.

To be able to fence off all unjustified allegations would you do me the favour and outline in a memo to me all contractual activities you have entered into or which you are planning to do with a brief description of the range of activities such duties entail. By this we will formally comply with Article 16 of the SR and, more importantly, we all can demonstrate what is NOT entailed in any of such activities.

This clarification will help to stop the rumours currently surrounding us and which are in danger of getting out of hand.

I do hope you can maintain your usual coolness and that you are well as ever.

Kindest regards

Andreas

Andreas Pott
European Medicines Agency

Andreas Pott's email to Thomas Lönngren

executive or consultative role in pharmaceutical companies or industry associations", and on providing "product-related guidance or advice" about any matter falling within the remit of the Agency. The board also required that Lönngren should "not have any contacts with Agency staff or members of the Agency scientific committees in the context of his professional activities and shall not represent or accompany" third parties at meetings with the Agency. Lönngren was also reminded "of his obligation to immediately inform [EMA] of any change in circumstances affecting his current or future professional activities as this will be subject to additional prior authorisation". This was no doubt an implicit reference to Lönngren's tardiness in requesting approval for his additional contracts; the staff regulations say that approval should be sought once contracts are intended (rather than after they have started)[71].

It remains surprising that EMA did not simply implement a two-year cooling-off period or complete ban on Lönngren undertaking any work for consultancy firms connected to the pharmaceutical industry considering the potential for conflicts of interest with his former role as the head of EMA. When Lönngren took up his post at NDA, the NDA chief executive Dr Lars-Helge Strömquist said: "Thomas Lönngren has had a pivotal role within the European drug regulatory system and has been recognised internationally as a key influencer in the pharmaceutical sector. His reputation and vision will be a tremendous asset to NDA and to our customers"[72].

This case demonstrates clear failings in EMA's approach to revolving door cases. The board accepted Lönngren's initial consultancy approval request very rapidly without apparently undertaking any investigation, there was no proactive monitoring of Lönngren, and the board only took action after damaging media coverage. In fact, this lack of proper handling of potential conflicts of interest led, at least in part, to a highly critical report from the Budget Control Committee of the European Parliament in May 2011. As a result, the Parliament refused to sign-off on EMA's 2009 accounts and ordered an investigation of the agency's performance by the European Court of Auditors[73]. The Parliament condemned EMA for its handling of Lönngren's post-retirement contracts and said that not only did it create a major conflict of interest, it also cast doubt on the independence of the agency[74]. The accounts were eventually signed-off in October.

Rather ironically, before he left EMA, Lönngren signed off on EMA's new policy on the handling of conflicts of interest[75]. This document stipulates that experts who are involved in EMA but who also hold advisory roles in the pharmaceutical sector, do share interests with the industry and incur a higher level of risk and so should face certain restrictions on their involvement with EMA.

In October 2011, Lönngren spoke at a conference organised by European Health Forum Gastein. His topic was "the regulatory perspective" and he was billed as the former head of the EMA. This indicates how Lönngren continues to be seen publicly in the context of his former EU role, even though he now has a series of corporate jobs which require him to act for private interests[76].

Jean-Philippe Monod de Froideville

Personal adviser to Competition Commissioner, went to work at lobby consultancy on competition issues. No cooling-off period imposed

At the end of 2009, the Brussels-based lobby consultancy Interel announced that Jean-Philippe Monod de Froideville had been hired as associate director for competition and trade to provide support to clients in the legal, economic and political field of anti-trust, state aid, mergers and general competition policy for clients[77]. A few months earlier, Monod de Froideville had quit his post as a personal advisor and member of Competition Commissioner Neelie Kroes' cabinet where, for two years, he had advised on mergers and acquisitions in the financial services and health-related markets.

Interel's interest in Monod de Froideville was hardly surprising considering that the consultancy has many clients in the finance and health sectors likely to have interests in competition matters, including: ABI - Association of British Insurers, Bank of America, Bupa, GSK and Mundipharma[78]. Indeed Interel's press release stated that Monod de Froideville was hired to focus on "competition and trade matters" and that he would work "horizontally across the client portfolio". The managing director of Interel's Brussels office praised Monod de Froideville's "strong network within the EU institutions" and called him a "tremendous asset to our clients"[79].

Despite the explicit connection between Monod de Froideville's work at DG Competition and his newly acquired role as a professional lobbyist, the Commission allowed the post to proceed on the basis of vague promises that he would not provide legal support other than general advice on the functioning of the Commission. Instead the Commission could and should have introduced a cooling-off period in order to convincingly rule out the risk of conflicts of interest.

Michel Petite

Former head of EU legal service goes to work for major EU law firm. Restrictions imposed by Commission but no cooling-off period. Official now heads up committee assessing Commissioners' conflicts of interest

In the 2008 Worst EU Lobby Awards (run by ALTER-EU members Friends of the Earth Europe, Lobbycontrol, Spinwatch and CEO) to highlight excessive corporate influence in Brussels, a whole category was dedicated to exposing conflicts of interest[80]. One of the five nominees was Michel Petite who headed the Commission's powerful Legal Service (which has a veto power on anti-trust and competition issues including mergers, and represents the Commission at international courts such as the World Trade Organisation) from 2001 to the end of 2007. He was also a former legal adviser to three Commission Presidents: Jacques Delors, Romano Prodi (as head of cabinet), and José Manuel Barroso[81].

Petite was nominated for going through the revolving door from the Commission straight to law firm Clifford Chance where he works on anti-trust, competition, trade, litigation and dispute resolution issues[82]. Petite was the first head of the Commission's Legal Service to make a move to a private sector law firm. When Petite moved to Clifford Chance, the Commission granted approval for the move but told him not to lobby former colleagues or to deal with cases involving his previous department for one year.

Today Petite is still working for Clifford Chance. In August 2011, he was advertised as their contact for clients on EU political developments. However, despite clearly advertising lobbying (or as they call it 'political advocacy strategy') services on its website[83], Clifford Chance has not registered on the EU Transparency Register.

In a further irony, despite his nomination for the Worst EU Lobby Awards in 2008, Petite headed the Commission's ad hoc ethical committee which is responsible for assessing conflicts of interest by former Commissioners who go through the revolving door[84]!

Suzy Renckens

Head of GMO unit at food safety agency went to work for major GMO multinational. No cooling-off period imposed

Dr Suzy Renckens was head of the European Food Safety Authority's (EFSA) genetically modified organism (GMO) unit from 2003 until March 2008. The unit provides support to EFSA's GMO panel which is responsible for developing guidelines for, and performing risk assessments on, genetically modified plants, food and feed.

At the beginning of 2008, Renckens verbally informed EFSA that she had accepted a senior position at Syngenta, one of the world's largest producers of genetically modified plants. In May 2008, Renckens was officially announced as the new Regional Manager for Biotechnology Regulatory Affairs at Syngenta. Despite the obvious risk of conflicts of interest, EFSA allowed the move, without any restrictions.

In November 2009, after German NGO Testbiotech criticised the highly controversial move, EFSA contacted Renckens to remind her of her obligations in relation to confidentiality[85]. EFSA defended itself by saying that Renckens herself had not taken decisions on scientific advice, authorisations or approvals while at EFSA, and therefore there was no risk of conflicts of interest. Such arguments reveal a very narrow definition of conflicts of interest. There was clearly a risk that Renckens might abuse know-how, contacts or status acquired during her time at EFSA for Syngenta's benefit. Testbiotech has filed a complaint with the European Ombudsman concerning this case and a ruling is expected on this case soon[86].

John Richardson

Senior official who developed EU maritime policy becomes maritime policy adviser at major Brussels lobby firm. Commission considered his move through revolving door would "contribute positively". No cooling-off period imposed

John Richardson enjoyed a long career in the European Commission dating back to 1973. In 2005 he became the head of the task force that was responsible for developing the integrated maritime policy for the EU which was finally adopted in December 2007. He also headed the Baltic Sea, North Sea and Landlocked Member State directorate in DG MARE.

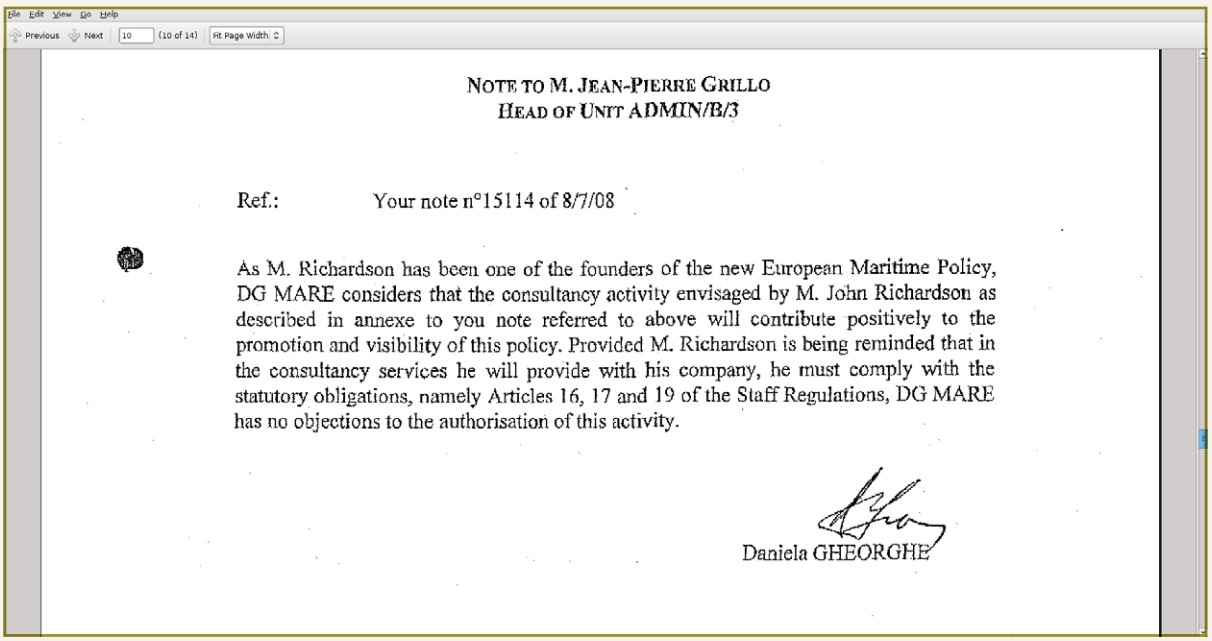
In July 2008, he wrote to the Commission to ask permission to establish, and be a shareholder in, Jandi Communications (which was to provide consultancy services in the areas of "transatlantic, European and maritime affairs", based in Brussels[87]), after his retirement in August 2008. Not only did the Commission not have any objections to his new occupation but DG MARE considered that his new lobbying activity would "contribute positively to the promotion and visibility" of the European maritime policy of which Richardson was recognised as "one of the founders"[88].

In other words, the Commission was well aware that Richardson's new activity would be closely related to his former portfolio in the Commission, but as long as Richardson was aware that he should comply with the obligations stipulated in the staff regulations, the Commission did not set any other restrictions on his new venture. Richardson pledged that he would not "accept any clients in fields for which my DG since April 2005 (DG MARE) has lead responsibility"[89].

One month later, Richardson accepted a job offer from global lobby consultancy Fipra where he became a special adviser on maritime policy and diplomacy[90]. Fipra's biggest client is RCCL (Royal Caribbean Cruises), the world's second largest cruise firm which provided 400 000 – 450 000 euros of Fipra's turnover in 2010[91]. Richardson had informed the Commission that he was likely to become a lobbyist for Fipra, yet the move was not seen as creating a conflict of interest by the Commission. "It was considered at that point in time that [Richardson's] envisaged activities would not be incompatible with his former functions"[92].

Richardson was joined at Fipra by his former boss, the Maltese ex-Commissioner for DG MARE Joe Borg in August 2010[93]. The Commission approved Borg's move after he stated that he would not lobby on matters relating to his Commission portfolio. Also at Fipra is his former colleague Nathalie Hesketh who joined in January 2009 as an account manager after nearly four years at the European Commission, where she worked as a member of John Richardson's task force responsible for developing a maritime policy for the EU, and in the unit responsible for maritime policy development and coordination[94].

Both Richardson and Hesketh continued to have contacts with DG MARE after they left. For example, both attended DG MARE's Marine Observation and Data Expert Group (MODEG) on 3-4 March 2009. Although they are simply listed as "guests" with no organisational affiliation, the detail of the minutes make clear that Hesketh at least was representing RCCL, in that she made a short presentation on their behalf[95]. The role of this expert group is to "assist the Commission in the preparation of legislation or in policy definition"[96].



NOTE TO M. JEAN-PIERRE GRILLO
HEAD OF UNIT ADMIN/B/3

Ref.: Your note n°15114 of 8/7/08

As M. Richardson has been one of the founders of the new European Maritime Policy, DG MARE considers that the consultancy activity envisaged by M. John Richardson as described in annexe to you note referred to above will contribute positively to the promotion and visibility of this policy. Provided M. Richardson is being reminded that in the consultancy services he will provide with his company, he must comply with the statutory obligations, namely Articles 16, 17 and 19 of the Staff Regulations, DG MARE has no objections to the authorisation of this activity.

Daniela GHEORGHE

Note regarding Richardson's consultancy role

Derek Taylor

Former Commission energy adviser joined major Brussels lobby firm as energy adviser. Commission apparently not informed about the move until two years later

Derek Taylor joined DG Energy in 1984 where he worked on nuclear policy. In 1995 he became head of unit in DG Environment and was responsible for radioactive waste management and commissioning nuclear facilities. Nuclear safety was added to these responsibilities in 1998. In 2000 he moved to DG Transport and Energy (DG TREN) and in 2004 he was appointed as the Commission's energy adviser, initially working on nuclear issues but also on other aspects of energy policy with an emphasis on coal, 'clean coal' technologies, carbon capture and storage, and the environmental costs and benefits of their use[97].

Taylor retired from the Commission in June 2009 and joined Burson-Marsteller as an adviser on energy issues on 31 August 2009. Burson-Marsteller's clients with an interest in energy policy include Suez Environnment, Exxon Mobil Chemical, European Small Volume Car Manufacturers Alliance, Camfil Farr and the European Roundtable of Industrialists[98].

On 16 August 2011, ALTER-EU member CEO asked the Commission for the documents which relate to the approval of Taylor's role at Burson-Marsteller. On 21 September, the Commission wrote back to CEO to say that "Documents sent by Mr Taylor regarding his new activities were received by the Commission on 12 September 2011. These documents are now being examined by DG Human Resources and Security in view of a decision on compatibility of the new occupation with his previous position as Advisor in DG TREN"[99].

The Commission has not responded to CEO's request to clarify the situation further, but the clear implication of this email is that Taylor did not apply for authorisation to work at Burson-Marsteller in 2009, but has only applied for authorisation retrospectively – a full two years later – presumably as a response to CEO's access to documents request. If true, this would constitute a clear breach of the rules which say that "Officials *intending to engage* in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof" [emphasis added][100].

In fact, Taylor has developed a whole range of other energy interests since leaving the Commission, some of which are very closely related to his previous work. From 2009, Taylor has also been a director of Bellona Europe[101] which, according to their website, "seeks to make EU legislation more environment- and climate-friendly through alliances with other NGOs, industry, academics and progressive politicians"[102]. Bellona Europa says it works to "influence the EU as well as to provide the rest of Bellona with intelligence on EU policy to provide them with 'ammunition' in national policy discussions. We have been actively involved in shaping EU policies on: CO_2 capture and storage; carbon negative solutions..."[103].

Other environmental campaigners consider that Bellona promotes industry-friendly technologies and criticise its willingness to sit alongside big business on the Commission's technology platform on biofuels[104] and the carbon capture and storage technology platform[105].

From 2010-2011, Taylor was also the European representative of the Global Carbon Capture and Storage Institute, and he has now set up his own consultancy, DMT Energy Consulting, which is based in Brussels, and operates out of the same building as Bellona Europe.

To tackle the conflicts of interest which these appointments provoke, ALTER-EU considers that the Commission should have imposed a substantial cooling-off period on Taylor. Considering Taylor's apparent failure to follow the obligations on former officals to request authorisation of his new appointment at the time, the Commission should consider what sanctions are available.

Luc Werring

Former senior Commission adviser on transport and energy worked for major Brussels lobby firm as a transport and energy adviser. No cooling-off period imposed

Luc Werring worked at the European Commission for 23 years until August 2007. Most recently he was Principal Advisor to the Director-General at DG TREN (transport and energy) dealing mostly with energy efficiency and the High Level Group on environment, energy and industry. He had previously been head of the unit for technology, safety and environment in transport, and later for energy efficiency and renewable energy. He was responsible for the drafting and adoption of a large number of policy documents and directives including on green electricity, energy performance of buildings, co-generation, biofuels, eco-design for energy-using products, and energy effciency and energy services[106].

Since the end of 2007, he has been working as an independent consultant and is senior advisor on transport, energy and environment at lobby consultancy Hill & Knowlton in Brussels[107]. Hill & Knowlton's clients include Cathay Pacific, European Express Association, Japan Automobile Manufacturers' Association, Japan International Transport Institute, and the Port of Rotterdam, all of which are likely to have major interests in the Commission's transport and energy policies[108]. Werring was still active for Hill & Knowlton at the time of writing. In June 2011, he participated in a London-based event, hosted by Hill & Knowlton, on the future of off-shore drilling, where he was scheduled to provide an "update on proposed regulations for the offshore oil and gas industry; and highlight ways in which organisations and clients with offshore interests can engage further following the recent European Commission consultation"[109].

In his application for authorisation of his post-employment activities, Werring wrote that he would be "giving opinions to private individuals or to businesses concerning energy and transport." In the documents released by the Commission on this case, information appears to have been redacted about who Werring had been approached by for consultancy work. But an email dated 13 November 2007 from Werring to the Commission says: "I have until now been approached by: ... the Brussels communication company Hill & Knowlton. They want to use on an ad hoc basis my experience and knowledge in the field of transport and energy"[110]. This gives an interesting insight into Hill & Knowlton's proactive approach to recruiting ex-Commission officials. Werring goes on to state that the work will include "advice on procedures and institutional aspects of the policy process". He told the Commission that "I certainly do not want and will not be involved in activities that concern lobbying my old colleagues"[111].

Werring's proposed consultancy work was approved by the Commission, with a reminder that he had committed to not lobby his ex-colleagues, and that he should not give advice on the dossiers or cases with which he had dealt while at DG TREN.

Mårten Westrup

Former DG Enterprise policy officer moved to become industry adviser at Brussels' most powerful business lobby group. The official was considered exempt from the rules, due to being on temporary Commission contract. In 2011, he returned to the Commission DG Energy

Between 2007 and 2010, Mårten Westrup had two contracts to work at DG Enterprise, firstly on regulatory and competition matters concerning the automobile industry, and secondly on space and security issues. During that time he authored or co-authored legislative proposals, impact assessments, policy documents and notes to EU ministers[112]. Specifically he worked on Commission proposals to reduce the carbon dioxide emissions from passenger cars, as well as an important policy document entitled "An integrated industrial policy for the globalisation era putting competitiveness and sustainability centre stage".

He left the Commission in September 2010 and took up a position at BusinessEurope as adviser to their Industrial Affairs Committee (in charge of climate change). BusinessEurope is widely considered to be the most powerful lobby organisation in Brussels, representing major industry and employer groups from across the EU. The industrial policy document which Westrup contributed to while at DG Enterprise was welcomed by BusinessEurope when it was launched in October 2010. Philippe de Buck, Director-General of BusinessEurope commented: "The business community supports Commission Vice-President Tajani's efforts to put industrial policy at the heart of European policy-making, be it for innovation, trade or resource protection"[113].

While BusinessEurope enjoys unparalleled access to the Commission, the employment of Westrup gave BusinessEurope particular insights when it came to lobbying on climate change. The opportunity to put that knowledge to good use arose when DG Climate Action announced plans to ban cheap offsets from the EU emissions trading system (ETS)[114].

Normally BusinessEurope communicates with the Commission through Industrial Affairs director Folker Franz or de Buck, but this time Westrup was deployed. Evidence shows that Westrup contacted his old colleagues at DG Enterprise on the issue[115]. Having worked in the Commission, Westrup not only had plenty of personal contacts but also a thorough knowledge of the processes, including when and how it was most effective to intervene.

In an email sent to DG Enterprise staff in November 2010, Westrup expressed his wish to continue cooperation with DG Enterprise in his new role at BusinesEurope[116]. He forwarded a note which set out BusinessEurope's opposition to plans by DG Climate Action to restrict offsets in the ETS. He explained that although an official version would be sent shortly to the DG Enterprise Cabinet by de Buck, he was sending it in advance as "We hope there is still time to consider this note before the ISC [Inter Service Consultation] ends. If not, it may be useful for the negotiations leading up to the adoption of the draft Decision".

Despite the obvious risk of conflicts of interest, the Commission did not examine Westrup's job move. This is due to a decision by the Commission to exempt contract staff from some elements of the staff regulations[117]. According to the Commission, Westrup did not have access to "sensitive information" during his time at the European Commission, which meant that he did not require the Commission's permission to go through the revolving door, even though he worked there, on and off, for 27 months[118].

Yet Westrup was employed as a legal officer and then as a policy officer and he contributed to drafting European law and important policy documents. It seems incredible to ALTER-EU that the Commisison exempted him from the rules; such exemptions reflect the failure of the Commission to recognise the revolving door problem. All Commission staff should be covered by the revolving door rules. This might limit the career options of staff on a temporary basis, but only for a limited range of jobs.

Westrup continued his representation of BusinessEurope on climate change issues, including at United Nations Framework Convention on Climate Change meetings in June 2011 which looked at important issues such as climate science and the implementation of the Kyoto Protocol[119].

Soon after it appears that Westrup left BusinessEurope's employment and he has now returned to work at the Commission, this time at DG-Energy working in the unit which is responsible for "energy policy & monitoring of electricity, gas, coal and oil markets"[120]. In the absence of effective rules governing the entry, or in Westrup's case re-entry, to the EU institutions, presumably the conflicts of interest that this provokes have not been properly assessed by the authorities.

ALTER-EU has submitted a complaint to the Commission about the revolving door issues raised by this case and in particular, the exemption accorded to Westrup from consideration under article 16 of the staff regulations.

Other cases

There are numerous other examples of Commission officials going through the revolving door. Former officials Lars Kjølbye and Robert Klotz left Commission roles to join law firms lobbying for industry clients. Both were previously high-level officials with central roles in the competition policy department, but then took up new jobs with major law firms specialised in assisting corporate clients on competition issues.

- Kjølbye, who headed the energy and environment anti-trust unit at DG Competition, joined the Brussels office of US law firm Howrey in April 2008. While at DG Competition, Kjølbye helped to draft and negotiate fundamental changes to anti-trust enforcement in Europe and contributed to the review of the Commission's policy concerning abuse of dominance[121]. At Howrey, Kjølbye "acted on the EC's high-profile antitrust investigation into Microsoft's bundling of the Internet Explorer web browser with the Windows operating system"[122]. Now Kjølbye works for Covington & Burling on global anti-trust and competition issues.
- In September 2007, Klotz went from DG Competition's energy and water unit (and before that telecommunications) through the revolving door to Hunton & Williams, where "he advises clients on all aspects of EU and German competition and regulatory law before the European Commission and the national authorities"[123]. This post started as a sabbatical from the Commission but Klotz does not appear to have returned to his Commission job.

When these appointments were approved, both Kjølbye and Klotz were told not to "deal, at any point of time, with cases of which you had knowledge in the course of, or in connection with the performance of your duties at DG Competition" and that they should not participate in meetings or have contact "of a professional nature" with their former units for a period of one year for Kjølbye and six months for Klotz[124].

In October 2004, **Jean-Paul Mingasson**, who was then Director-General at DG Enterprise and Industry, left the Commission to go to work for the Union of Industrial and Employers' Confederations of Europe (UNICE, now BusinessEurope), where he became a general adviser. During his time at the Commission, Mingasson was personally involved in the EU's legislation for the regulation of chemicals in Europe (REACH); at BusinessEurope he 'switched sides' and lobbied against the legislation.

Revolving doors in the UK[125]

The present coalition government has recently tightened the regulations regarding revolving doors in the UK. These rules apply to all crown servants which include civil servants, special advisers, diplomats and members of the armed forces.

Unlike at the EU-level, the rules apply to all officials (including those on fixed-term contracts) and apply to all serving officials for two years after "the last day of paid service". New jobs cannot be accepted until the required approval has been given. The rules vary according to the seniority of the official but include the following provisions:

- The highest-level officials have an automatic cooling-off period for any outside appointment or employment of at least three months after leaving paid service. In special cases this can be waived or extended for up to two years
- All senior officials are banned from lobbying the government on behalf of a new employer for two years
- For more junior staff, authorisation for a new job is required if that official has been involved in developing policy or holding sensitive information relevant to the prospective employer; has been involved in regulatory decisions or any other official dealings with the prospective employer in the past two years; the proposed appointment will involve lobbying government or consultancy work
- If officials are approached about a job for which authorisation would be required under these rules, this must be reported to their line manager.

Furthermore, online lists are maintained on a monthly basis and the details of cases which have been ruled upon are published: **http://acoba.independent.gov.uk/former_crown_servants_appointments.aspx**

The body responsible for implementing these rules is the Advisory Committee on Business Appointments which is an independent body providing advice to those wishing to take up outside appointments. It is made up of former ministers and crown servants.

Despite recent improvements to the rules, Transparency International considers that the ACOBA system is not working sufficiently well to prevent conflicts of interest. It demands that ACOBA is replaced with a body which has sufficient resources, independence and powers to regulate this area effectively[126].

Revolving doors in the US[127]

The US federal government is far more robust on the revolving door issue than the EU. Federal employees in the executive branch of government are restricted in performing certain post-employment representational activities for private parties, including a lifetime ban on 'switching sides' to the private sector on the specific issues for which the employee had responsibility while in public service; a two-year ban on 'switching sides' on a broader range of issues; and a two-year cooling-of period for very senior officials from influencing the entire executive branch of government.

One of President Barack Obama's first acts in office was to extend revolving door rules to political appointees. He also increased the existing cooling-off period to two years for officials moving into lobbying or advocacy jobs related to their former agency. Officials involved in procurement face even tighter rules.

President Obama also introduced 'reverse revolving door' policies, to screen out conflicts of interest among government appointees so as to prevent special interests from "capturing" the agencies that regulate them. The new policy bans the appointment of a lobbyist who has lobbied the same agency in the past two years and requires appointees to sign a written agreement to recuse themselves from matters affecting their former employers or clients[128].

Craig Holman of Public Citizen in the US and an experienced transparency campaigner says: "Obama's revolving door policy is working extremely well. Two years into the Bush Administration, many political appointees were under FBI investigation for corruption. At this point in the Obama Administration, there is not a single case of administrative corruption under investigation [that I know of]"[129].

In the US, there is no official policy to make revolving door cases transparent. Yet the fact that the US has a mandatory lobby register (unlike the EU where the EU Transparency Register remains voluntary) does make it easier for organisations like Opensecrets.org[130] to track ex-officials' subsequent employment.

Endnotes

[1] ALTER-EU. February 2011. *Revolving door provides privileged access: Why the European Commission needs a stricter code of conduct.* Brussels. February 2011

[2] ALTER-EU. February 2011. *Revolving door provides privileged access: Why the European Commission needs a stricter code of conduct.* Brussels. February 2011

[3] For more information see: **http://www.alter-eu.org/documents/2011/01/14/new-commission-code-not-enough-to-close-revolving-doors**

[4] Transparency International. 2011. *Cabs for Hire? Fixing the Revolving Door between Government and Business.* London. May 2011.

[5] OECD, *Guidelines for Managing Conflicts of Interest in the Public Service*. Paris, 2003, para 10.

[6] Information from: **http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-003642&language=EN**

[7] Letter from EFSA to CEO, Testbiotech and Food and Water Europe dated 21 December 2010.

[8] For more information see the staff regulations at: **http://www.ec.europa.eu/civil_service/docs/toc100_en.pdf**

[9] Information from: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=9155503593-86**

[10] Information from: **http://www.bellona.org/persons/derek_taylor**

[11] Information from: **http://www.bellona.org/Aboutus/bellona_in_brussels**

[12] Text of email released to Formindep under access to documents.

[13] Information from: **http://www.ema.europa.eu/ema/index.jsp?curl=pages/news_and_events/news/2011/03/news_detail_001227.jsp&murl=menus/news_and_events/news_and_events.jsp&mid=WC0b01ac058004d5c1&jsenabled=true**

[14] Information supplied by the European Commission through an access to documents request.

[15] Information from an email from Keir Fitch at the European Commission, dated 30 July 2009.

[16] Information from Commission Decision on outside activities and assignments. No. 85-2004 / 29.06/2004. C(2004) 1597.

[17] Information from an email from Keir Fitch at the European Commission, dated 30 July 2009.

[18] Information from: **http://knowfuture.wordpress.com/2011/03/31/revolving-door-between-commission-and-copyright-industry/**

[19] Information from: **http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2011-003642&language=EN**

[20] Information from: **http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-003642&language=EN**

[21] Information from Commission Decision on outside activities and assignments. No. 85-2004 / 29.06/2004. C(2004) 1597.

[22] Information from: reply to European Parliament CONT committee. 23 June 2011.

[23] Information received through access to documents request 2011/4582.

[24] Email sent on 8 November 2010 by Mårten Westrup to Didier Herbert and Joachim Ehrenberg at DG Enterprise, with attachment: Clean Development Mechanisms and Joint Implementation in the revised EU Emissions Trading Scheme.

[25] Information from email sent by Marilena Semeraro at the European Commission dated 24 February 2011.

[26] Information from: **http://ec.europa.eu/staffdir/plsql/gsys_fonct.properties?pLang=EN&pSernum=776354**

[27] For more information see the staff regulations at: **http://www.ec.europa.eu/civil_service/docs/toc100_en.pdf**

[28] Information from: **http://www.efsa.europa.eu/en/events/event/afwgc110323-m.pdf**

[29] Information from: **http://www.corporateeurope.org/sites/default/files/2010-11-29_RRD_REPORT.pdf**

[30] Opinion of the Committee on the Environment, Public Health and Food Safety drafted by Claude Turmes MEP for the report by Alexander Stubb MEP: *On the development of the framework for the activities of interest representatives (lobbyists) in the European institutions*. 2 April 2008: **http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=A6-0105/2008**

[31] Information from letters to CEO received from Hubert Szlaszewski at the European Commission dated 3 August 2011 and 17 August 2011.

[32] Information from: **http://acoba.independent.gov.uk/former_crown_servants_appointments.aspx**

[33] Information from: **http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2010-6232&language=EN**

[34] Information from: **http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/488&format=HTML&aged=1&language=EN&guiLanguage=en**

[35] Information from: **http://www.europarl.europa.eu/hearings/static/commissioners/cre/sefcovic.pdf**

[36] Information from: **http://europa.eu/transparency-register/about-register/code-of-conduct/index_en.htm**

[37] Hannah Marriot. **Brussels' Inside Man - Peter Guilford** *PR Week*, 16 March 2007

[38] Caroline De Cock. *iLobby.EU – a survival guide to EU lobbying*. Eburon. 2010.

[39] Information from: **http://www.standaard.be/Artikel/Detail.aspx?artikelId=UH2FT9UM&word=lobbyisten**

[40] OECD, *Guidelines for Managing Conflicts of Interest in the Public Service.* (Paris: 2003), para 10.

[41] The Code of Conduct for Commissioners can be found at: **http://ec.europa.eu/commission_2010-2014/pdf/code_conduct_en.pdf**

[42] ALTER-EU press release dated 14 January 2011, Half measures will not end revolving doors scandals around former EU Commissioners; ALTER-EU comments on leaked draft Code of Conduct for Commissioners: **http://www.alter-eu.org/documents/2011/01/14/new-commission-code-not-enough-to-close-revolving-doors**

[43] Information from: **http://www.europarl.europa.eu/hearings/static/commissioners/cre/sefcovic.pdf**

[44] Information from: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=91124993695-29**

[45] Information from: **http://www.euractiv.com/consultancies**

[46] Information from letter to CEO from Carlos Remis at the European Commission.

[47] For more information see: **http://blog.brusselssunshine.eu/2011/01/commission-belatedly-investigates-john.html**

[48] Information from a letter from Irene Souka at the European Commission to John Bruton, dated 1 March 2011.

[49] Information from: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=1078390517-54**

[50] Information from: **http://www.eu-ems.com/agenda.asp?event_id=68&page_id=479**

[51] For more information on this issue see: **http://www.corporateeurope.org/publications/europes-resource-grab-%E2%80%93-vested-interests-work-european-parliament**

[52] Information from: **http://www.acus.org/files/EnergyEnvironment/AtlanticCouncil_US_EUSustainableEnergy_Agenda.pdf**

[53] Information from Carl's authorisation request to the Commission, dated 11 November 2009.

[54] Information from letter from Irene Souka at the European Commission to Mogens Peter Carl, dated 15 January 2010.

[55] Information from letter to CEO from Michel Magnier at the European Commission, dated 6 May 2010.

[56] Information from: **http://www.gpluseurope.com/people/detail/77-bruno-dethomas**

[57] Information from Dethomas' authorisation request to the Commission, dated 15 March 2011.

[58] Information from: **http://www.gpluseurope.com/people/detail/77-bruno-dethomas**

[59] Information from the EU transparency register: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=7223777790-86**

[60] Information from: **http://www.europeanagenda.eu/pnews/000001815.php**

[61] Information from: **http://www.spiegel.de/international/spiegel/0,1518,444308,00.html**

[62] Information from: **http://www.european-experience.de/english**

[63] Information taken from letter from Michel Magnier at the European Commission to Petra Erler, dated 7 October 2010.

[64] Information taken from letter from Michel Magnier at the European Commission to Petra Erler, dated 7 October 2010.

[65] Information from: **http://www.european-experience.de/english/Our-Offer**

[66] Text of email released to Formindep under access to documents.

[67] Information from: **http://www.ndareg.com/index.php?our-management**

[68] Information from: **http://www.inpharm.com/news/110119/ema-thomas-lonngren-nda-group**

[69] Information from: **http://www.ndareg.com/index.php?mission**

[70] Information from: **http://www.ema.europa.eu/ema/index.jsp?curl=pages/news_and_events/news/2011/03/news_detail_001227.jsp&murl=menus/news_and_events/news_and_events.jsp&mid=WC0b01ac058004d5c1&jsenabled=true**

[71] Information from: **http://www.ema.europa.eu/ema/index.jsp?curl=pages/news_and_events/news/2011/03/news_detail_001227.jsp&murl=menus/news_and_events/news_and_events.jsp&mid=WC0b01ac058004d5c1&jsenabled=true**

[72] Information from: **http://www.inpharm.com/news/110119/ema-thomas-lonngren-nda-group**

[73] Report by Georgios Stavrakakis MEP: *Discharge procedure on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2009.* 15 April 2011: **http://www.europarl.europa.eu/activities/committees/reportsCom.do;jsessionid=B00E07CF6DF090A9110F69053545690F.node2?language=EN&body=CONT**

[74] Report by Georgios Stavrakakis MEP: *Discharge procedure on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2009.* 15 April 2011: **http://www.europarl.europa.eu/activities/committees/reportsCom.do;jsessionid=B00E07CF6DF090A9110F69053545690F.node2?language=EN&body=CONT**

[75] EMA. 2010. *European Medicines Agency policy on the handling of conflicts of interests of Scientific Committee members.* October 2010: **http://www.ema.europa.eu/docs/en_GB/document_library/Other/2010/10/WC500097905.pdf**

[76] Information from: **http://www.ehfg.org/fileadmin/ehfg/Programm/2011/Programme_Final.pdf**

[77] Information from: **http://www.interel.eu/en/monod.htm**

[78] Information from: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=7028457765-59**

[79] Information from: **http://www.interelgroup.com/ePub/easnet.dll/ExecReq/Page?eas:dat_im=0317CB&eas:template_im=01FA30**

[80] More information at: **http://www.spinwatch.org/-articles-by-category-mainmenu-8/48-lobbying/5186-worst-eu-lobbying-awards-2008**

[81] Information from: **http://www.cliffordchance.com/about_us/find_people_and_offices/lawyers/fr/michel_petite.html**

[82] Information from: **http://www.cliffordchance.com/about_us/find_people_and_offices/lawyers/fr/michel_petite.html**

[83] Information on Clifford Chance's 'political advocacy strategy' services can be found at: **http://www.cliffordchance.com/legal_area/public_policy/political_advocacy_strategy.html**

[84] Information from: **http://www.publicaffairsnews.com/no_cache/home/european-news/news-detail/newsarticle/alter-eu-slams-ethics-committee-process-as-superficial/10/**

[85] Information from: **http://www.testbiotech.org/en/node/262**

[86] Information from: **http://www.testbiotech.org/en/node/354**

[87] Information from Richardson's authorisation request to the Commission, dated 4 July 2008.

[88] Information from a memo dated 17 July 2011 by Daniela Gheorghe at the European Commission.

[89] Information from Richardson's authorisation request to the Commission, dated 4 July 2008.

[90] Information from: **http://www.fipra.com/people/john_b_richardson~171/**

[91] Information from: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=58746194306-23**

[92] Information from EUObserver: **http://euobserver.com/9/30450**

[93] Information from: **http://www.fipra.com/people/joe_borg~232/**

[94] Information from: **http://www.fipra.com/people/nathalie_hesketh~178/**

[95] Information from: **http://ec.europa.eu/maritimeaffairs/emodnet/meetings/3-4march2009/summary.html**

[96] Information from: **http://ec.europa.eu/transparency/regexpert/detailGroup.cfm?groupID=2146**

[97] Information from: **http://burson-marsteller.be/about/team/senior-consultants/#profile**.

[98] Information from: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=9155503593-86**

[99] Information from email sent by Marilena Semeraro at the European Commission dated 21 September 2011.

[100] For more information see the staff regulations at: **http://www.ec.europa.eu/civil_service/docs/toc100_en.pdf**

[101] Information from: **http://www.bellona.org/persons/derek_taylor**

[102] Information from: **http://www.bellona.org/Aboutus/bellona_in_brussels**

[103] Information from: **http://www.bellona.org/Aboutus/bellona_in_brussels**

[104] Information from: **http://biofuelstp.eu/steering.html#mems**

[105] Information from: **http://www.zeroemissionsplatform.eu/**

[106] Information from: **http://www.hillandknowlton.be/teammember/luc-werring**

[107] Information from: **http://www.hillandknowlton.be/teammember/luc-werring**

[108] Information from the EU transparency register: **http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=3183894853-03**

[109] Information from: **http://www.babinc.org/events/399**

[110] Information from email from Luc Werring to Marie-Claire Lievens at the European Commission dated 13 November 2007.

[111] Information from email from Luc Werring to Marie-Claire Lievens at the European Commission dated 13 November 2007.

[112] Information received through access to documents request 2011/4582.

[113] BusinessEurope press release 28 October 2010: Industrial policy must permeate all European policies: **http://www.businesseurope.eu/content/default.asp?PageID=568&DocID=27412**

[114] Corporate Europe observatory. 2011. *Laughing all the way to the (carbon offset) bank: collusion between DG Enterprise and business lobbyists.* April 2011.

[115] Email sent on 8 November 2010 by Mårten Westrup to Didier Herbert and Joachim Ehrenberg at DG Enterprise, with attachment: Clean Development Mechanisms and Joint Implementation in the revised EU Emissions Trading Scheme.

[116] Email sent on 8 November 2010 by Mårten Westrup to Didier Herbert and Joachim Ehrenberg at DG Enterprise, with attachment: Clean Development Mechanisms and Joint Implementation in the revised EU Emissions Trading Scheme.

[117] Information from Commission Decision on outside activities and assignments. No. 85-2004 / 29.06/2004. C(2004) 1597.

[118] Information from email sent by Marilena Semeraro at the European Commission dated 24 February 2011.

[119] Information from: **http://unfccc.int/resource/docs/2011/sb/eng/misc03.pdf**

[120] Information from: **http://ec.europa.eu/staffdir/plsql/gsys_fonct.properties?pLang=EN&pSernum=776354**

[121] Information from: **http://www.claeys-casteels.com/energymasterclass2010/index.php?pg=C054**

[122] Information from: **http://www.legalweek.com/legal-week/news/1687254/covington-hires-howrey-partner-brussels-base**

[123] Information from: **http://www.hunton.com/robert_klotz/**

[124] Information from letter from Bernhard Jansen at the European Commission to Lars Kjølbye dated 6 May 2008.

[125] Information from: **http://acoba.independent.gov.uk/rules_and_guidance_civil_servants.aspx**

[126] Transparency International. 2011. *Cabs for Hire? Fixing the Revolving Door between Government and Business.* London. May 2011.

[127] Information from: *Post-employment, 'revolving door', laws for federal personnel.* Jack Maskell for Congressional Research Service. May 2010. **www.fas.org/sgp/crs/misc/97-875.pdf**

[128] Information provided to CEO from Craig Holman, Public Citizen.

[129] Quote provided via email to CEO, September 2011.

[130] See: **http://www.opensecrets.org/revolving/index.php**