

Towards a high degree of Accountability, Transparency & Integrity in the EU Institutions

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**European Parliament Joint Hearing "Towards a high degree of Accountability,
Transparency & Integrity in the EU Institutions" Panel:** Ethical questions regarding
Lobbying practices & Transparency Register 26 March 2015

Honourable Members, Ladies and gentlemen,

I'd like to thank the Chair of the Committee on Constitutional Affairs, Ms. Hübner, for inviting me here today almost a year since I spoke at the launch of the Transparency International Integrity Study.

The role of the European Ombudsman is precisely to help ensure that every EU institution and agency lives up to the highest standards of ethics, transparency and good administration and this Study is an important contribution to the wider debate of trust in our institutions.

My own institution was one of the institutions covered in the Study and since then I have acted on two of its main recommendations. We adopted internal whistleblowing rules . We also published a draft of these rules on our website for public comment; asked the European Data Protection Supervisor for his views on our procedures, and wrote to ten other EU institutions and bodies to find out what they had done or planned to do in this important area.

I also adopted and published the first ever Code of Conduct for the Ombudsman . I cannot preach if I do not also practice.

Over the past year I have also pursued a number of inquiries that are aimed at promoting integrity within the EU institutions. That work is inspired by a number of factors. I believe that the EU should set and demonstrate the highest possible integrity standards not just for itself but for the world. I note that an increasingly engaged and dynamic civil society, whose influence has been sharpened and magnified by the information technology revolution, will continue to make demands on EU institutions for greater openness and transparency and these demands will have to be met. And thirdly, EU ambitions in relation to trade, to energy and digital unions and to significant investments in jobs and growth will heighten citizen demands for greater accountability and greater transparency into how these eventual decisions are made and who or what is influencing them.



Anyone who spends any time in Brussels will be aware of the importance of lobbying. One only has to step through the doors of this building to be made immediately aware of the increased importance placed on its control as queues form from early morning to get badges as part of the Transparency Register system.

Lobbying is a vital part of our democracy, of our freedoms, of our right as citizens to make representations to those empowered to make decisions that will affect individual lives as well as those of businesses big and small. But as citizens we also have the right and should have the freedom to be made aware of who is lobbying and to trust that it is done in a transparent and regulated way. Huge commercial and other interests are at stake when laws are proposed, debated and eventually accepted or vetoed. A failure to allow the citizen to see how the outcomes emerge is a denial of the fundamental right of participation.

In that context I will briefly mention my inquiry into the so-called 'revolving doors' phenomenon at the European Commission. I acknowledge that this is a challenge for all EU institutions and agencies but I believe that many of those bodies look to the Commission for guidance and for good example.

The purpose of this inquiry was to evaluate how the Commission manages potential conflicts of interest that arise when senior staff moves into the private sector either permanently or as part of a career break. I take a simple view of this matter; just as no DG would tolerate its files being stolen or its computers hacked, neither should they allow a situation where their strategic interests are jeopardised by allowing inside information to be inappropriately used by private interests trading on the privileged knowledge and contacts of a former EU official.

Last September, I outlined a wide-ranging series of measures that I would encourage the Commission to adopt in this area. One key proposal is that the Commission should publish regularly online all relevant information about senior EU officials, including their names, who leave to work outside the EU administration. I also called on the Commission to make its review processes on "revolving doors" cases more robust to avoid conflicts of interest.

During my inquiry I found deficiencies in the reasoning and documentation of such cases. It is not always clear whether the officials concerned provided the information needed for the Commission to make well-informed decisions, nor how comments from its services were taken into account. Neither does the Commission always explain fully why it has decided to approve a request to take up a job offer. The Commission's initial response to my inquiry has been encouraging and I await its further steps especially in relation to its obligation under revised Staff Regulations to report on the relevant post-employment activities of senior staff.

I told the Commission; *"civil servants have a legitimate right to take up job offers when they leave the public service. However, in order to maintain citizens' trust in the EU civil service, the EU institutions must strengthen and make more transparent their systems of review to make sure that such moves do not give rise to conflicts of interest. International experience has shown us that this "revolving doors" phenomenon can at times potentially have a corrupting influence*



on senior staff, which damages public trust immensely. It is very important that we ensure that such a situation does not develop in Brussels. I will step up my supervisory powers accordingly."

I have discussed this issue with Vice President Georgieva, who understands the challenge very well, and I hope for a positive outcome.

I also opened an own-initiative inquiry into the composition and transparency of Commission Expert Groups. As you know, the Commission oversees hundreds of such advisory groups which play a crucial role in the development of EU legislation and policy. A lot has already been done to increase transparency and to promote more balanced interest representation in its expert groups but there is still room for improvement.

A public consultation highlighted that the main problems raised concerned the inconsistent categorisation of organisations who participate in expert groups, the perceived imbalance in favour of corporate interests in certain groups and potential conflicts of interest of experts who participate in their personal capacity. I therefore set out a detailed analysis covering what I believe the Commission needs to do to bring about greater transparency and a more balanced composition of these groups.

As concerns experts appointed in their personal capacity, I suggest that the Commission review its conflict of interest policy, by assessing their background more carefully and by publishing detailed CVs. Furthermore, minutes of expert group meetings should be as detailed as possible. I look forward to receiving the Commission's response, which is due on 30 April.

In relation to the Transparency Register, I have called on the Council to participate and suggested that the current voluntary register be given teeth. As I said at the time, "*ordinary citizens who take an interest in these matters will continue to be baffled as to why the EU does not support, more directly, their right to know which interests are lobbying the EU institutions and for which purposes.*"

I will monitor the inter-institutional discussions on this issue and am greatly encouraged by the actions the Juncker Commission has taken already to support the Register and to ensure that lobbyists do in fact sign up. But the possibility of putting the Register on a legislative footing must be explored, if the proposed inter-institutional agreement does not prove successful.

To conclude, I believe that this new Commission is genuinely committed to making real progress towards greater transparency and accountability. I noted this particularly in relation to its very recent response to my investigation into the transparency of the TTIP negotiations. I do not believe that it is doing this in the pursuit of some abstract good or ethical principle but rather that it has seen the writing on the wall; that the demands now being made by citizens, demands made ever louder, more direct and more pervasive, by the megaphone of social and other kinds of interactive new media, makes the creation of more transparent and accountable structures and processes an everyday business imperative. Indeed, these demands from European citizens are on all EU institutions and agencies of course, and not just the Commission.



Before I end my remarks, I would like to announce that I am hosting an event on Lobbying Transparency on Monday May 11th with First Vice President Timmermans and several key speakers, including Transparency International of which attendees here would be most welcome.

The EU administration continues to struggle to secure the high levels of popular legitimacy that it desires. The standards it already sets often go beyond those of many member states themselves but it continues to need to strive to achieve the 'gold standard' of integrity, transparency, and accountability.

As Europeans, despite our problems, we live in a privileged and advanced part of the world, and with that privilege and good fortune, comes an obligation to live up to the highest standards, and to encourage others to do the same.

Thank you.