



Groupe d'Etats contre la corruption
Group of States against corruption

DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW
INFORMATION SOCIETY AND ACTION AGAINST CRIME DIRECTORATE



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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GRECO COMMENTS

on

the European Ombudsman's Draft Practical Guidelines for public officials' interaction with interest representatives

Adopted by GRECO (written procedure ended on 3 March 2017)

At its 73rd Plenary meeting (17-21 October 2016) GRECO held an exchange of views with the European Ombudsman. During this exchange, it was stressed that GRECO and the European Ombudsman could draw inspiration from each other's work and that there were good grounds for cooperation between these institutions. In this context, GRECO was asked by the European Ombudsman Office to provide comments on the European Ombudsman's *Draft Practical Guidelines for public officials' interaction with interest representatives (attached)*.

1. Within the framework of its 4th Evaluation Round on corruption prevention, *inter alia*, in respect of members of parliament, GRECO has noted that the matter of officials' interaction and contacts with third parties, including lobbyists, is not sufficiently regulated in a number of its member States. Consequently, GRECO has called for regulatory measures to be taken in this area in order to prevent conflicts of interest and corruption. GRECO has also recommended that codes of conduct/ethics be established to this end and that these be complemented by appropriate awareness raising and training. GRECO sees a continued need in Europe for the establishment of regulatory frameworks in respect of lobbying and GRECO will, in its 5th Evaluation Round (starting in 2017), continue dealing with third party contacts and lobbying, this time in relation to top executive public officials in the executive branch of government.
2. Against this background, GRECO welcomes the European Ombudsman's initiative to draft practical guidelines for public officials' interaction with interest representatives. The establishment of guidelines is, as such, clearly in line with GRECO's approach of stressing the usefulness of codes of conduct/guidelines in this area.
3. It would appear that the draft guidelines primarily apply to public officials of the various institutions of the European Union. Nevertheless, clarifications on the scope of the guidelines could help identify which public officials are covered (e.g. officials appointed, elected, their staff, to which EU institution they belong to, etc.), to what extent, and whether these guidelines apply to former officials as well.
4. While GRECO appreciates that the guidelines are based on general concerns to provide for transparency (e.g. registration requirements, various forms of reporting, disclosure and record keeping, etc.), it sees a need to specify what constitutes various forms of conflicts of interests, to expand on persons and entities that may carry out lobbying (including from inside the institutions) and to expand on possible advantages that could be involved (e.g. offers of outside engagements/employment, etc.). GRECO is also of the opinion that the enforcement of the guidelines (including in relation to other existing standards) ought to be considered and/or clarified.
5. GRECO wishes to stress that the practical guidelines, once adopted, would need to be complemented with awareness raising measures and dedicated training and counselling. Finally, GRECO suggests that the practical guidelines be made easily accessible to the public.



Practical guidelines (draft)

for public officials' interaction with interest representatives

DO

- 1 Verify that interest representatives have registered in the EU (or equivalent national) Transparency Register before meeting them or accepting an invitation to an event.
- 2 Basic research to check what interests they represent and who is funding them. Ask for further information, if needed.
- 3 Request interest representatives to disclose, in writing and in advance, the meeting purpose, participants' names, the issue for discussion and any relevant background information.
- 4 Inform your hierarchy prior to meetings with interest representatives and debrief them afterwards.
- 5 Assess any risk of conflicts between your private interests and the public interest and how your interaction might be perceived.
- 6 Err on the side of caution. If in doubt, consult as appropriate and if you decide to go ahead, add a note to the file explaining.
- 7 Invite interest representatives to substantiate statements or presentations in writing after meetings or telephone calls.
- 8 Maintain good record keeping habits, including the meeting date/ location, names of participants and issues discussed. Remember that you should use your institution's official file management system.
- 9 Respect the applicable disclosure requirements, for example, at EU level, disclose details of meetings between interest representatives and Commissioners, Cabinet members and Commission Directors-General.
- 10 Report unacceptable lobbying practices.

DON'T

- 1 Meet interest representatives not registered in the EU (or equivalent national) Transparency Register without asking them to register. Make clear, if appropriate, that this is a prerequisite.
- 2 Overlook the motives of those who seek meetings or invite you to events. Lobbying can be done by a range of professions, including lawyers and consultants.
- 3 Accept any invitations to meetings or events which could put your institution in a delicate situation.
- 4 Interact with a particular interest representative without considering offering other groups a similar opportunity.
- 5 Arrange meetings outside office hours, official premises, and without the presence of another colleague.
- 6 Share information you are not authorised to share or misuse confidential information.
- 7 Do or say anything which could be viewed as granting an interest representative preferential treatment.
- 8 Give the impression to an interest representative that any particular advice, idea or information could or will be decisive in the decision-making process.
- 9 Accept hospitality from an interest representative without careful consideration and unless it is in line with the applicable rules.
- 10 Delay in disclosing information on any gifts and hospitality received.