
From: @coe.int>
Sent: 20 March 2017 15:20
To: ASSIMAKOPOULOU Zinovia
Cc:
Subject: EO's Practical guidelines for public officials' interaction with interest representatives' - invitation for comments
Attachments: DRAFT practical guidelines_EN.PDF
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Categories:

Dear Ms Assimakopoulou,

As you may know the Committee of Ministers will take a decision on 22/3 on the adoption of the draft recommendation to member states on the legal regulation of lobbying activities in the context of public decision making.

For information – and as it concerns the topic of the EO guidelines, the section in the draft recommendation originally entitled “Standards on ethical behaviour of public officials” has been re-entitled “Public sector integrity”, although the content is more or less the same, and which I reproduce below.

As you will see, the EO guidelines fit in very closely with these provisions of the draft recommendation – see H.2.b. The drafting group was conscious that public officials are already the subject of ethical codes, and so the EO idea of producing practical guidelines (or guidance) rather than another code of conduct is very much in keeping with the spirit of the draft recommendation.

Once again, please accept my apologies in having been so tardive in my reply.

Kind regards



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Extract from draft recommendation to Council of Europe member states on the legal regulation of lobbying activities in the context of public decision making.

H. Public sector integrity

1. Appropriate measures tailored to national circumstances should be in place in order to avoid risks to public sector integrity that might be created by lobbying activities.
2. The measures referred to in the preceding paragraph could include:

- a.* a “cooling-off” period, namely a period of time that has to elapse before either a public official may become a lobbyist after leaving public employment or office, or a lobbyist may become a public official after ceasing lobbying activities;
- b.* guidance to public officials on their relations with lobbyists, in particular concerning:
- refusing or disclosing the receipt of gifts and hospitality offered by a lobbyist;
 - how to respond to communications from lobbyists;
 - reporting violations of the regulations or rules of conduct on lobbying activities;
 - disclosing conflicts of interest;
 - preserving the confidentiality of data.



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.