

**ACCESS ALL AREAS**

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**When EU politicians become lobbyists**

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Transparency International EU's mission is to prevent and address corruption and promote integrity, transparency and accountability in the EU Institutions and in EU internal and external policies, programmes and legislation.

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# Glossary

## REVOLVING DOOR

The term ‘revolving door’ refers to the movement of individuals between positions of public office and jobs in the same sector in private or non-profit organisations, in either direction.

Moving through the revolving door can be beneficial to both sides. For example, it improves understanding and communication between the public sector and business. However, the revolving door can also undermine trust in government, because of the potential for real or perceived conflicts of interests. It can reinforce the public perception that links between governments and big business are too close. Without strong rules in place there is the risk that public office holders allow the agenda of their previous employer to influence their government work. Or the prospect of a future career in the private sector might motivate an individual to behave differently while in public office.

After leaving office, former office holders might use information or contacts gained in office to the benefit of their new employer, thus providing the company with an unfair advantage over competitors or insider knowledge on how to circumvent rules or regulations or how to win government contracts.

## CONFLICT OF INTEREST

A conflict of interest is a situation where an individual or the entity for which they work – whether a government, business, media outlet or civil society organisation – is confronted with choosing between the duties and demands of their position and their own private interests.

Since they have this choice, they might ultimately choose to adhere to the ‘duties and demands of their position’. Consequently, the existence of a conflict of interest does not mean that someone has actually done something wrong. Despite this, such a situation represents a risk that needs to be managed carefully.

## COOLING-OFF PERIOD

Cooling-off periods are time limits on the ability of an individual to move between positions of public office and the private or voluntary sector, in either direction.

Restrictions can range from a complete ban on certain types of employment to certain conditionalities imposed when changing jobs. This can include rules on not interacting with former colleagues or staff or provisions that prevent regulators from overseeing their former employers for certain periods of time. The idea behind a cooling-off period is that the risk of certain conflicts of interest and the close connections with former colleagues or staff diminish over time. Rules on cooling-off periods should always attempt to reconcile the legitimate interest and fundamental right of employees to freely choose their occupation with the public interest to prevent cases of undue influence, conflict of interest and policy capture from occurring.





**30% of MEPs who have left politics now work for organisations on the EU lobby register. For European Commissioners, the share is more than 50%.**

## Executive summary

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The 2014 European elections brought considerable change to Brussels. 27 European Commissioners who were in office during the previous mandate (2009-2014) have since left to make room for the new European Commission President Jean-Claude Juncker's team. In the European Parliament, 485 Members of European Parliament (MEPs) were replaced during that same period. With them came hundreds of new assistants and advisors. Since the elections, we have witnessed a number of high-profile revolving door cases with former politicians moving into private sector jobs. Most recently, former Commission President José Manuel Barroso joined the board of United States investment bank Goldman Sachs.

The demand for policy insiders is high, particularly among lobbying outlets. Numbers from the US show that, in 1974, 3 per cent of retiring Congressmen went on to work for lobby organisations whereas in 2012, more than half of them did.<sup>1</sup> On this side of the Atlantic the trend is moving in the same direction. Our analysis shows that 30 per cent of MEPs who have left politics for other employment in the last few years now work for organisations registered on the EU lobby register. For former European Commissioners

the share is more than 50 per cent.<sup>2</sup> On the other side of the revolving door we found that in the case of Google, for example, 57 per cent<sup>3</sup> of the accredited lobbyists have previously worked for the EU institutions.

The exchange of knowledge, experience and personnel between the public and private sector can bring very positive results. Cross-fertilisation, in which former public office holders share their experience by writing books or teach at universities, is extremely useful. Through direct involvement in companies or non-governmental organisations (NGOs), they can provide a better understanding of how political decision-making works. However, there are risks involved as well; undue influence, conflicts of interest and in some cases regulatory capture by special interests are particularly problematic. Risks include "time-shifted quid pro quo", group think and insider knowledge about circumventing the rules.

In a first-ever, comprehensive analysis of career changes between the EU institutions and other employers, Transparency International EU seeks to look beyond individual scandals and provide a clear picture of the revolving door phenomenon across the EU institutions. We have analysed the



career paths of those 485 former members of the European Parliament and 27 Commissioners who were in office during the last mandate and have since left the EU institutions. The full details of our analysis are available online on EU Integrity Watch ([www.integritywatch.eu](http://www.integritywatch.eu)).

Our report finds that, beyond individual scandals, many of those leaving the EU institutions and specifically politics now have activities where risks of conflicts of interest cannot be ruled out. Most worrying are those situations where senior decision-makers from the EU move directly into positions where they seek to influence former colleagues or their staff or join organisations they have previously regulated. 26 former MEPs have been hired by Brussels lobby consultancies shortly after leaving office. Likewise for the European Commission: former Commissioners from the Barroso II Commission have accepted positions in the private sector, including with Arcelor-Mittal, Uber, Bank of America and Volkswagen. Many of these jobs include contacts with the EU institutions or overseeing EU relations.

The series of controversies in 2016 involving, among others, former Commission President Barroso, highlighted once again that the current

revolving door rules are inadequate. For the Commission, an 18-month cooling-off period is in place and President Juncker has promised to extend this. However, the College of Commissioners judging ethics breaches of current or former colleagues and the inadequate resources and mandate of oversight bodies remain important concerns. With regards to the Parliament, the absence of any post-employment rules is even more worrying.

This report finds that tracking the career paths of officials – both into and out of the EU institutions – is currently a real challenge, let alone monitoring and managing their conflicts of interests. The current EU post-employment rules are not in line with the self-proclaimed role of the EU as an international champion in ethics rules leading in international best practices. Canada, Norway and France, for example, have much stronger and more developed ethics frameworks to manage the revolving door phenomenon. Canada has a five-year cooling-off period for senior officials, ministers and members of parliament. It also has two independent Commissioners with a total of 74 staff and far-reaching investigative powers to monitor compliance and sanction violations.

# Recommendations

## European Commissioners

- The cooling-off period for EU Commissioners should be extended from its current 18 months to three years. The cooling-off period for Commission Presidents should be five years.
  - Former Commissioners should be prohibited from lobbying the EU institutions - both directly and indirectly - during the cooling-off period. This would entail not only ruling out direct lobby contacts, but also ruling out managing or guiding the lobbying activities of others. Former Commissioners should notify the Commission of any new employment during that period and ask for prior approval of any employment that might create a conflict of interests.
  - The Commission should establish a standing ethics body that is fully independent. This body should have the ability to make binding recommendations and impose credible sanctions. It should be sufficiently resourced, have the necessary investigative capacity and be able to start investigations itself. An independent body would relieve the College of Commissioners of the duty to pass judgement on the conduct of former or current colleagues.
  - In the long term, all the EU Institutions should consider the creation of a single ethics institution along the lines of the French High Authority for Transparency in Public Life (HATVP), which could oversee conflicts of interest, financial declarations and the lobby register.
- MEPs should also notify the European Parliament of any new employment to ensure compliance during their cooling-off period. All notifications of lobbying or other activities with a potential conflict of interest should be published on the Parliament's website, in machine-readable format.
  - The European Parliament should establish a standing ethics body that is fully independent. Even better, it should establish a joint body together with the other EU institutions. That body should have the ability to make binding recommendations and impose credible sanctions. Such a body should be sufficiently resourced, have the necessary investigative capacity and be able to start investigations itself. An independent body would relieve the current Advisory Committee on the Code of Conduct of the duty to pass judgement on the conduct of colleagues.

## All EU staff

- Post-employment rules for EU staff are already relatively strict. Assistants to Members of Parliament, like all EU staff, have a cooling-off period of up to 24 months,<sup>4</sup> while Members themselves face no restrictions at all. Revolving door cases involving senior officials are made public, but this information should also be provided on the EU Transparency Register. For each organisation it should be indicated which senior officials have been hired from the EU institutions to undertake lobbying activities.
- There should be a review to ensure that the same rules that apply for post-employment indeed apply to those EU civil servants working for other employers while on sabbatical or long-term leave. While on leave from the EU institutions, civil servants should not engage in lobbying the EU and should not work in any job that might create a conflict of interest. To make sure, the application of these rules should be overseen centrally and should not be left to line management.

## Members of European Parliament

- The European Parliament urgently needs to introduce post-employment rules. We recommend introducing a flexible cooling-off period, based on the length of service. During the 6-24 month period during which former members receive a transitional allowance from the taxpayer, they should be prohibited from lobbying the EU institutions – both directly and indirectly.




# Introduction

Following the European elections in 2014 and the change of guard in Brussels, there have been a number of high-level revolving door cases – from the Chair of the Parliament’s Economic and Financial Affairs Committee, Sharon Bowles, who went on to work for the London Stock Exchange; to Commission President Barroso, who was hired by investment bank Goldman Sachs.

The many controversies have shown that the current system, which relies on the individual responsibility to act with integrity, does not seem sufficient. In times of growing criticism of everything the EU does, ethics scandals are a particularly powerful recruitment tool for Euro-sceptics. Academic research also finds that the

positive effects of the revolving door syndrome are overshadowed by the risks, making a strong case for regulation.<sup>5</sup> Current rules on revolving doors are therefore in urgent need of reform, particularly since some leaders are getting younger and finding themselves out of office at an age when most people are at the peak of their careers. Barack Obama left the White House at 55. Former UK Prime Minister David Cameron left office at 49. The average age of the Commissioners in Juncker’s team is 53, leaving at least another 10 years to retirement age after they finish their current term at the Commission.

Members of the European Parliament (MEPs) from across the political spectrum have been



**MEPs currently have no cooling-off period and can move straight into lobbying. Curiously, their own assistants face much stricter rules and a cooling-off period of up to two years.**

remarkably outspoken about tightening the rules for Commissioners.<sup>6</sup> Unsurprisingly, they have been much more reluctant to apply the same standards to their own post-mandate situation.<sup>7</sup> In fact, MEPs currently face no restrictions at all and can move into lobby jobs the day they leave office, increasing the risk of conflicts of interest and decision-bending with lucrative offers for future employment. This leads to the curious situation where their own assistants face much stricter rules and a cooling-off period of up to two years. However, MEPs refuse to subject themselves to any transparency or integrity measures.

Not surprisingly, there have been a number of prominent cases of MEPs moving into influential lobbying positions in recent years.

When it comes to those joining the EU institutions there are also risks. And with ever increasing numbers of temporary staff, the number of potential conflicts of interest with their previous employments is also increasing.

While there is well established evidence that the revolving door phenomenon is growing rapidly in the US and in other parts of the world, there has been relatively little study on the extent of the problem in the EU institutions. This is due to a lack of information.

This report examines the current state of the legal framework for post-mandate employment of EU officials and the extent of the revolving door phenomenon for Commissioners and senior staff of the European Commission, Members of the European Parliament (MEPs) and their Accredited Parliamentary Assistants (APAs), as well as EU officials in general (everyone falling under EU staff regulations).

While some research on the revolving door cases in the Commission has been conducted, in particular the work done by Corporate Europe Observatory<sup>8</sup> and the European Ombudsman<sup>9</sup>, there has been no comprehensive assessment of the situation in the European Parliament. This study presents newly gathered evidence of the 485 MEPs who have left the European

Parliament since the 2009 European elections and have since moved into new positions. Our research included gathering information from numerous websites of organisations which hired former MEPs, as well as examining career websites and declarations of financial interest.<sup>10</sup> We found that almost one third of those MEPs who have left politics are now involved with organisations that are registered on the EU lobby register. For former Commissioners the share is more than half.

Our report also includes an analysis of the career paths of 134 accredited lobbyists working for the ten most influential lobby organisations in Brussels. Overall, at least 20 per cent of these lobbyists have previously worked for the EU Institutions - many more for national regulators. The number of revolving door cases was highest for companies and industry associations, in some cases well above 50 per cent.

This study also compares the current rules and practices of the European Commission and Parliament with international best practice from the US, Canada and France. We have included short case studies on the latter two. Finally, drawing on our comparative analysis, we present our recommendations for strengthening EU rules and aligning them with the stated ambition of European Commission President Juncker to “set the highest ethical standards possible for cases of conflict of interest”.<sup>14</sup>

It is important to point out that our recommendations do not seek to prevent all movements between the EU institutions and other employers. Some of TI EU’s staff also have had previous experiences inside the EU institutions, which we list on the EU Transparency Register.<sup>15</sup> We simply propose to introduce sensible rules that help to limit some of the most adverse consequences of revolving door cases. It is also important to keep in mind that regulating the revolving door is not a new intrusive add-on to the fight against corruption, but a widely recognised tool dating back to US reforms in the 1930s and enshrined in the United Nations Convention against Corruption.



A low-angle shot of several European Union flags flying on tall, silver flagpoles. The flags are blue with twelve yellow stars arranged in a circle. In the background, a modern building with a curved glass facade is visible under a clear blue sky. The building's windows reflect the sky and the flags.

**At least 20% of top lobbyists have  
previously worked for the EU Institutions  
- in the case of Google, the share is well  
above 50%.**



## HOW GOOGLE BECAME THE MOST INFLUENTIAL COMPANY IN THE EU

The American tech giant Google is the most influential lobbyist in Brussels. No other company has anywhere close to the kind of access that Google has at the highest level of the EU institutions. In the past two years, disclosures of lobby meetings indicate that Google has met with Commissioners and their closest advisors 124 times.<sup>11</sup> This is more than once a week and is exactly double the number of meetings that third-ranked company, Microsoft, held.

One of the secrets of Google's lobbying success seems to be an aggressive policy of hiring staff through the revolving door. The Google Transparency Project<sup>12</sup> has listed 325 revolving door ca-

ses between Google and the US government. In the European Union, the project lists 115 cases.

While the Brussels office is smaller than the one in Washington DC, the annual budget of €4.25 million<sup>13</sup> makes it one of the richest in town and provides ample resources for the eight staff they declare on the EU Transparency Register. Our research has shown that four out of the seven lobbyists currently accredited with the European Parliament have been hired directly from the European Parliament to lobby their former colleagues. Since 2009, Google has hired a total of 23 people from the EU institutions. At least 11 of them have worked on EU lobbying.



**There have been 325 revolving door cases between Google and the US Government. 115 with governments in the European Union.**

# The European Parliament

Former MEPs and their assistants as well as experts from political groups and the EP secretariat are attractive hires for organisations that seek to influence the legislative process of the EU. They often bring a wide professional network and insider experience. MEPs also come with an access badge to the European Parliament that is valid for the rest of their life.<sup>16</sup>

The number of MEPs and staff leaving the European Parliament in search of new employment opportunities has been increasing quite significantly over the years. The number of MEPs itself has risen from 410 in the 1980s to 751 members today, following the enlargement of the EU from nine to 28 members.<sup>17</sup> The number of parliamentary assistants based in Brussels has increased during the same period from almost none to more than 1,900.<sup>18</sup> On average, almost 50 per cent of MEPs change with each election. Following the 2014 elections the turnover in some countries has been particularly high (90.5 per cent in Greece; 67.1 per cent Italy). A high turnover of MEPs and staff means that many hunt for a new job in the months after elections.

TI EU's analysis shows that 857 different MEPs<sup>19</sup> served during the 7<sup>th</sup> term (2009-2014).<sup>20</sup> Out of these, 57 per cent (or 485 individuals) have since left the Parliament. They are now pursuing careers in national politics, have returned to their old jobs or have taken up entirely new positions in private, public and third sector organisations.

Two years after the last elections, we have analysed the post-term employment situation of those 485 former MEPs. Turnover among MEP assistants is even higher than among MEPs themselves. According to the Secretary General of the Parliament, Accredited Parliamentary Assistants (APAs) serve on average for about 18 months, which would mean that 5,000 to 6,000 assistants are looking for new jobs during each five-year election cycle, many of them in Brussels or in jobs where they deal with the EU. We have made our full analysis of MEP careers available online on EU Integrity Watch.<sup>21</sup>

Our research confirms that, beyond anecdotal evidence,<sup>22</sup> 30 per cent of the 161 MEPs who left politics for other employment now work for a registered lobby organisation.<sup>23</sup> Most worrying are those situations where former MEPs move directly into positions where they seek to influence former colleagues or staff or oversee others who do so. 26 former MEPs have been hired by Brussels lobby consultancies within the first two years after leaving office.

In most cases, the public and the institution only learn about new controversial occupations of former MEPs when cases appear in the media. For obvious reasons, at that point it is too late to manage any risks of conflicts of interest and to protect the reputation of the institutions. For 20 per cent of the former MEPs, it is currently impossible to find any indication at all of their new roles and activities.

For all these reasons, a number of countries have put in place certain basic provisions that allow them to reconcile the legitimate interests and fundamental right of lawmakers to freely choose employment with the general need to safeguard the integrity and reputation of parliaments. These provisions seek to prevent cases of privileged access, undue influence and conflicts of interest. Most importantly, they seek to prevent time-shifted quid pro quo – where a lawmaker changes behaviour or voting patterns in return for lucrative future employment. A 2014 OECD report<sup>24</sup> shows that among the 24 member countries, one-third already has restrictions in place over MPs engaging in lobbying activities after they leave office. A “cooling-off period”, in which former MPs cannot take up certain kinds of jobs is most common in this regard.

Canada has the strongest rules with a five-year cooling-off period for MPs and a well-resourced, independent oversight authority that investigates and sanctions breaches. In comparison, the current set-up in the European Parliament with an Advisory Committee composed of sitting MEPs and a support unit of two staff to administer interest declarations seems inadequate.





26 former MEPs have been hired by  
Brussels lobby consultancies since 2014.



## CURRENT LEGAL FRAMEWORK FOR MEPS AND ASSISTANTS

Currently, there are few restrictions on MEPs regarding (additional) employment while they are in office and none whatsoever once they leave parliament. A recent reform of the European Parliament's rules of procedure and the annexed Code of Conduct has brought little change in this respect.<sup>25</sup> There are still no post-mandate restrictions for MEPs, but MEPs should now, at least in theory, notify Parliament of any new employment after leaving office. However, it remains unclear how this would be enforced. Rules for MEPs<sup>26</sup> had already specified not to use their lifelong access badge to the premises if they engage in lobbying activities inside the building.

Compared to European Commissioners' lifelong obligation to integrity,<sup>27</sup> post-mandate obligations for MEPs are inadequate, especially considering that their own assistants already face a two-year cooling-off period under EU Staff Regulations.<sup>28</sup> Those who have served for at least five years have to notify Parliament of new employment, which may *"either forbid them from undertaking it or give its approval subject to any conditions it thinks fit"*. Questions remain on how exactly this can be enforced. The institutions have little control over the activities of former staff once they have left, with the exception of withholding payments such as pensions.

In addition to the cooling-off period, all assistants must *"refrain from any unauthorised disclosure of information received in the line of duty"* for two years after the completion of their contract.<sup>29</sup> None of this applies to former members of parliament, however.

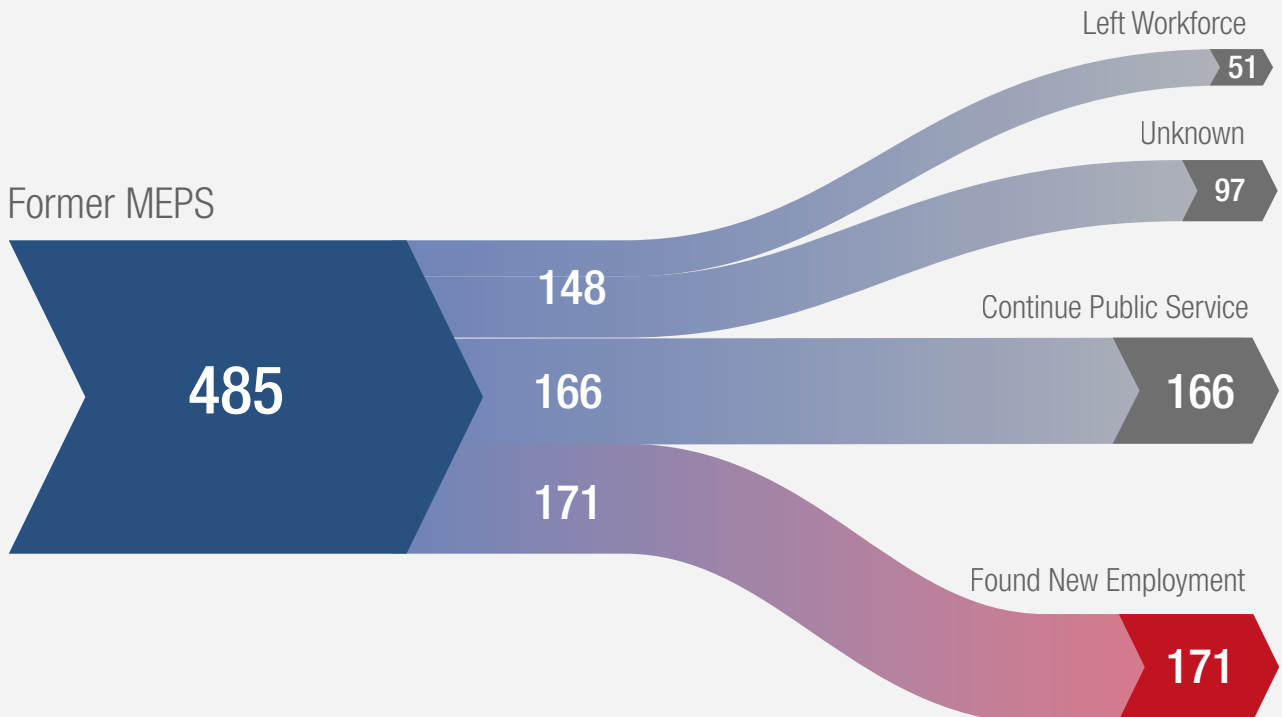
Introducing a cooling-off period for MEPs and other post-mandate rules would require changes to the Statute for Members of the European Parliament,<sup>30</sup> something that it has so far deemed politically challenging.

## THE EUROPEAN PARLIAMENT REVOLVING DOOR IN NUMBERS

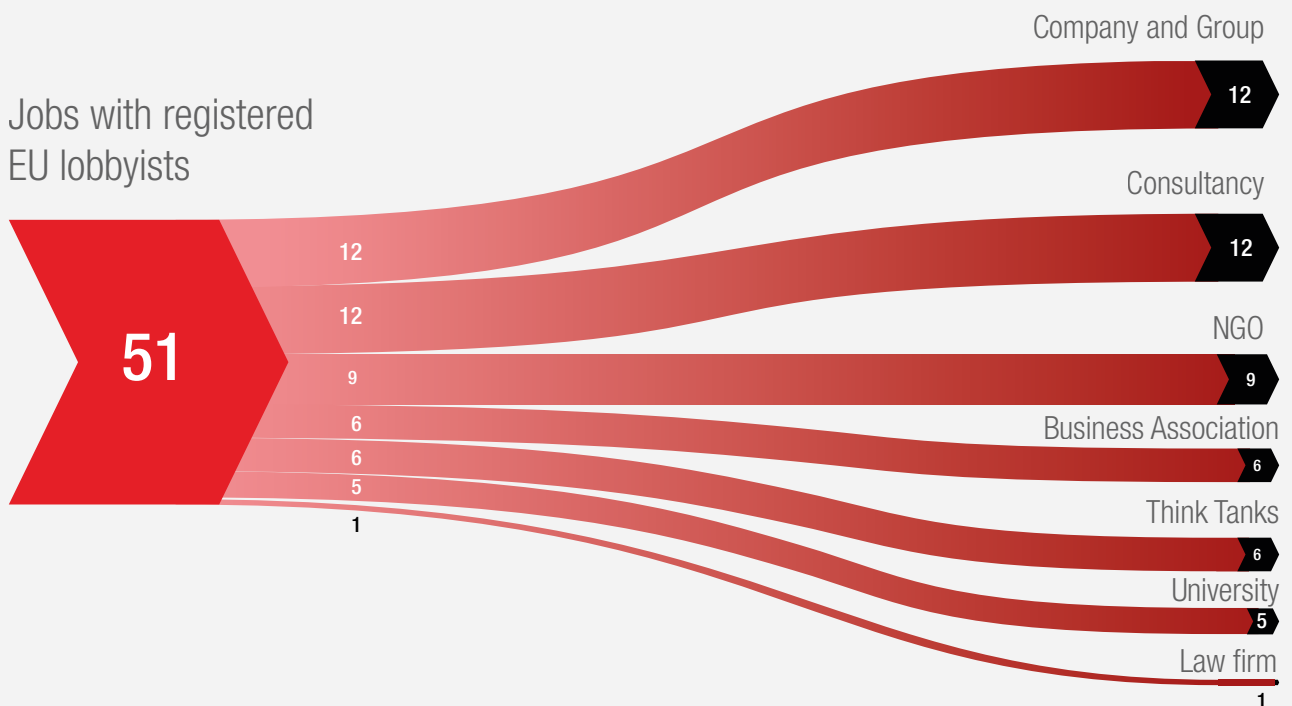
Following the 2014 election, there have been a number of high-profile revolving door cases making the headlines. These cases highlight the reputational risks for the European Parliament.<sup>31</sup> Among the most well-known and controversial cases are:

- Sharon Bowles (UK, ALDE) joined the London Stock Exchange only months after leaving the European Parliament. As an MEP, she was Chair of the Parliament's economic and monetary affairs committee (ECON), one of the most influential committees in the Parliament. According to analysis by Corporate Europe Observatory, Bowles had 10 meetings with the London Stock Exchange in the two years before the 2014 elections, including four meetings with its chief executive Xavier Rolet. As the Chair of the ECON committee, Bowles oversaw the drafting of new financial market regulation following the 2008 financial crisis.<sup>32</sup>
- Holger Krahmer (Germany, ALDE) was an MEP for 10 years and worked extensively on the regulation of the car industry in the Parliament's environment committee (ENVI). After leaving Parliament, he became director of European affairs, public policy and government relations at Opel Group.<sup>33</sup>
- Numerous ex-MEPs have joined EU lobby consultancy firms. These include:
  - Silvana Koch-Mehrin (German, ALDE), who is now a senior policy advisor at GPlus Europe.
  - Wolf Klinz (Germany, ALDE), senior advisor at Cabinet DN.
  - Krzysztof Lisek (Poland, EPP), now a Special Adviser for Defence and the European Parliament at FIPRA International.
  - Olle Schmidt (Sweden, ALDE), George Lyon (UK, ALDE) and Brian Simpson (UK, S&D), who are all senior consultants for Hume Brophy.
- Several MEPs have opened their own consultancy firms providing EU lobbying services such as Arlene McCarthy (UK, S&D), Graham Watson (UK, ALDE) and Marije Cornelissen (Dutch, Green).

Graphic 1: Post-mandate activities of MEPs by category



Graphic 2: Breakdown of MEPs' post-mandate activities with EU lobby organisations



Beyond the individual cases there is a more widespread problem of former MEPs going through the revolving door. Our analysis of the career paths of 485 former members who left the European Parliament since the elections in 2009 shows that 171 have found employment outside politics.

30 per cent of these former MEPs now work for a registered lobby organisation. Most strikingly, 26 of them are now with consultancies lobbying the EU. This means their new job probably includes lobbying their former colleagues and staff

or overseeing and instructing others to do so. Another 18 former MEPs now work for companies or business associations registered in the EU lobby register. Nine are involved with registered NGOs and six with think tanks.

This information probably does not reflect the whole picture. For 97 former MEPs, we could not find any information. For others we might not have found all of the details. The information we did find and the details of the career paths we analysed can be found online at EU Integrity Watch ([www.integritywatch.eu](http://www.integritywatch.eu)).

**Table 1: Post-mandate activities of MEPs by category**

Type of employment	# MEPs	Of which in registered lobby organisations	in %
Business association	7	6	86%
Company and group	25	12	48%
Consultancy	33	12	36%
Law firm	14	1	7%
Media	10	0	0%
NGO	32	9	28%
Religious Community	4	0	0%
Self-employed	9	0	0%
Think tank	13	6	46%
University	24	5	21%
<b>Total</b>	<b>171</b>	<b>51</b>	<b>30%</b>



## The European Commission

27 Commissioners have left the European Commission since the original appointment of the Barroso II Commission in 2009. Collectively they have since taken up 137 new positions. There have been a number of high-profile controversies, particularly over the last 12 months. Former European Commission President José Manuel Barroso joined the investment bank Goldman Sachs;<sup>34</sup> former Digital Commissioner Neelie Kro-

es joined the board of Uber;<sup>35</sup> and Benita Ferrero-Waldner, former Commissioner under Barroso from 2004-2010, allegedly broke the Code of Conduct by not disclosing a contract with Gamesa, a company she started working for the same month she left the Commission.<sup>36</sup> Other Commissioners took new positions in a mining company, Uber, ArcelorMittal, Volkswagen, the Bank of America and many more.



**1/3 of ex-Commissioners now work in the private sector, including for Uber, ArcelorMittal, Goldman Sachs, Volkswagen and Bank of America Merrill Lynch.**

These controversial cases are part of a wider picture of former Commissioners and senior officials taking up jobs in the private sector. Indeed, one third of former Commissioners who served in the Barroso II Commission have taken the revolving door to the private sector.<sup>37</sup> More than half of the former Commissioners are now involved with an organisation registered on the EU lobby register. Some of the Commission's senior civil servants have made similar career changes.

The current ethics framework includes an 18-month cooling-off period for European Commissioners and up to 24-months for EU officials. For Commissioners, an ad hoc ethics committee makes recommendations on individual cases, but final decision-making power lies with the College of Commissioners. This means that ethics violations and revolving door cases are assessed and judged by the sitting Commissioners. In many cases, they have been long-time colleagues. In their assessment, Commissioners will also take into account that they will one day face the judgement of their successors. Setting strict precedents might negatively influence their own career prospects. There is also no clear and comprehensive definition of 'conflicts of interest'. Previous rulings of the ad hoc ethical committee suggest a very narrow interpretation that is often at odds with the public perception and expectations.

## **CURRENT LEGAL FRAMEWORK FOR COMMISSIONERS AND SENIOR STAFF**

In their post-mandate activities, Commissioners are bound by the Code of Conduct, which includes an 18-month cooling-off period, and the EU treaties that impose a lifelong obligation to act with integrity.<sup>38</sup> Within the 18-month notification period an Ad hoc Ethical Committee, consisting of three members appointed by the President of the European Commission, assesses compliance and makes recommendations to the College of Commissioners that makes final decisions. The Committee has no permanent staff and few competences to investigate potential breaches of the Code of Conduct.


Under the current Code of Conduct, former Commissioners have the right to pursue a professional career after the end of their mandate, as long as this does not put them in conflict with the interests of the EU. The Code covers the main situations of conflicts of interest that may affect former and current members of the Commission, including lobbying by a former Commissioner towards their former Commission services. According to the Code, during the first 18 months after leaving office, former Commissioners must inform the present Commission of activities they wish to pursue. If the current Commission deems it necessary, it will consult the Ad Hoc Ethical Committee,<sup>39</sup> which will advise the college. Beyond the Code of Conduct, former Commissioners remain bound by the EU treaties<sup>40</sup> stipulating they need to rule out all risks of conflicts of interest and behave with integrity and discretion when accepting certain appointments or benefits.

Senior staff of the Commission (Directors-General, Deputy Directors-General, Directors and Heads of Cabinet)<sup>41</sup> are bound by the EU staff regulations. In line with Transparency International's recommendations,<sup>42</sup> the Commission has also included Special Advisors in this group.<sup>43</sup>

For all EU officials, there is a ban on lobbying activities for a period of up to 24 months in the policy area in which they have most recently worked. The regulations have undergone multiple rounds of revision, the latest dating back to 2009.<sup>44</sup> Article 16(3) of the EU Staff Regulations prevents officials during a 12-month period from *"engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, client-*

*ts or employers on matters for which they were responsible during the last three years in the service."*<sup>45</sup> The Appointing Authority can extend this ban on lobbying to 24 months *"having regard to the interests of the service"*.

Another potential source of conflicts of interest is that EU officials are entitled to take unpaid sabbatical for up to 15 years.<sup>46</sup> There are currently a few worrying cases, such as the official that came from ExxonMobil to DG Energy to oversee relations with the Organization of the Petroleum Exporting Countries (OPEC), who is now leading Saudi Aramco's corporate policy in Europe while on sabbatical from the Commission.<sup>47</sup> This oversight should not simply be left to line managers.



**EU officials can take a sabbatical for up to 15 years. One official who joined the Commission from ExxonMobil is now leading Saudi Aramco's corporate policy in Europe while on sabbatical.**



## THE EUROPEAN COMMISSION REVOLVING DOOR IN NUMBERS

Since the Juncker Commission took office in November 2014, the 18-month cooling-off period, in which former Commissioners notify the Commission about their new jobs, has passed. During the initial 18 months, the Commission gave the green light to 114 new positions. Our research has identified an additional 23 positions that have been added since then.

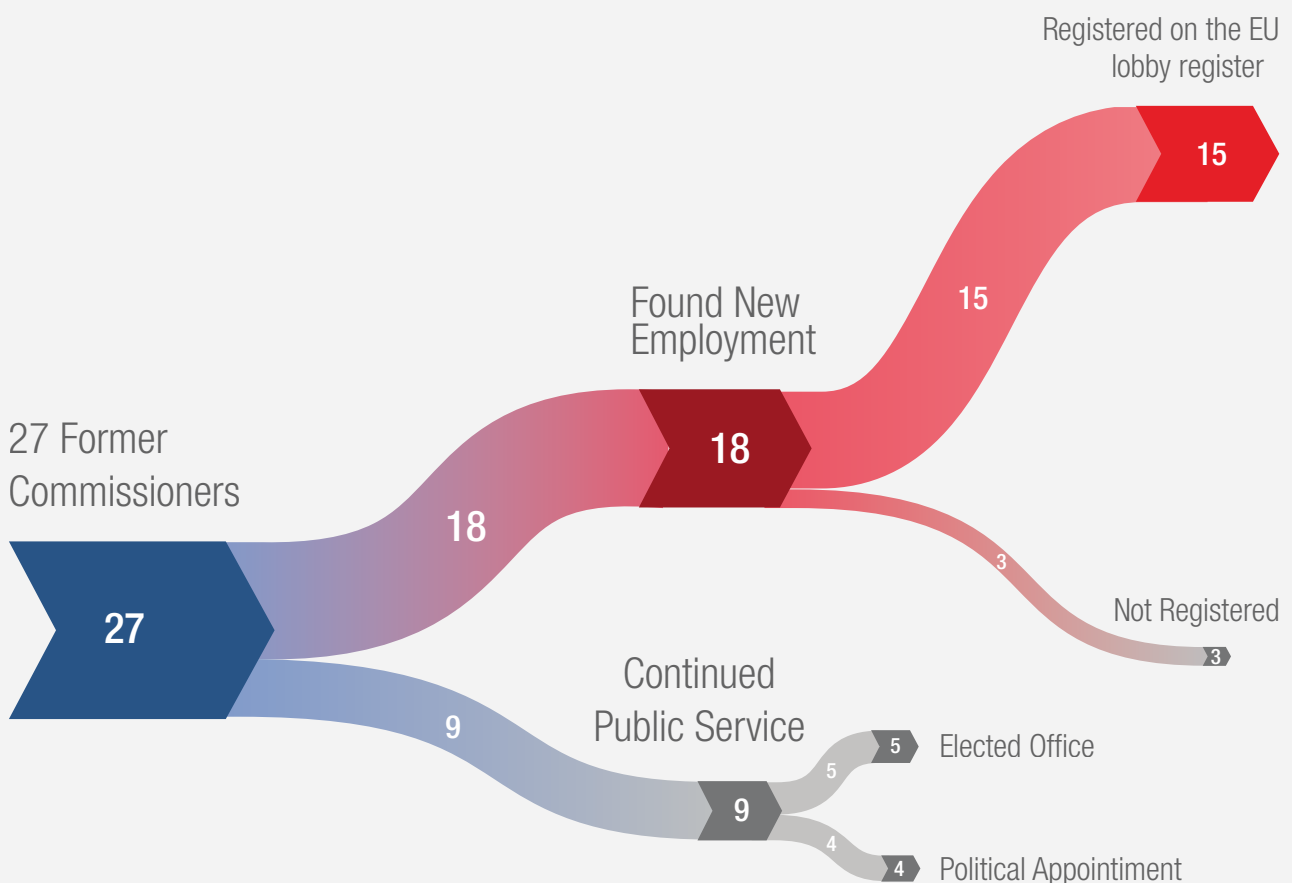
Many Commissioners work on several new activities. Former Commission President Barroso tops the ranking with an impressive 23 new activities.<sup>48</sup> Out of the total 114 requests, 40 were

brought before the Ad Hoc Ethical Committee to check if they might constitute a conflict of interest.<sup>49</sup> The Commission has not opposed any of these appointments – apparently no conflicts of interest were found.

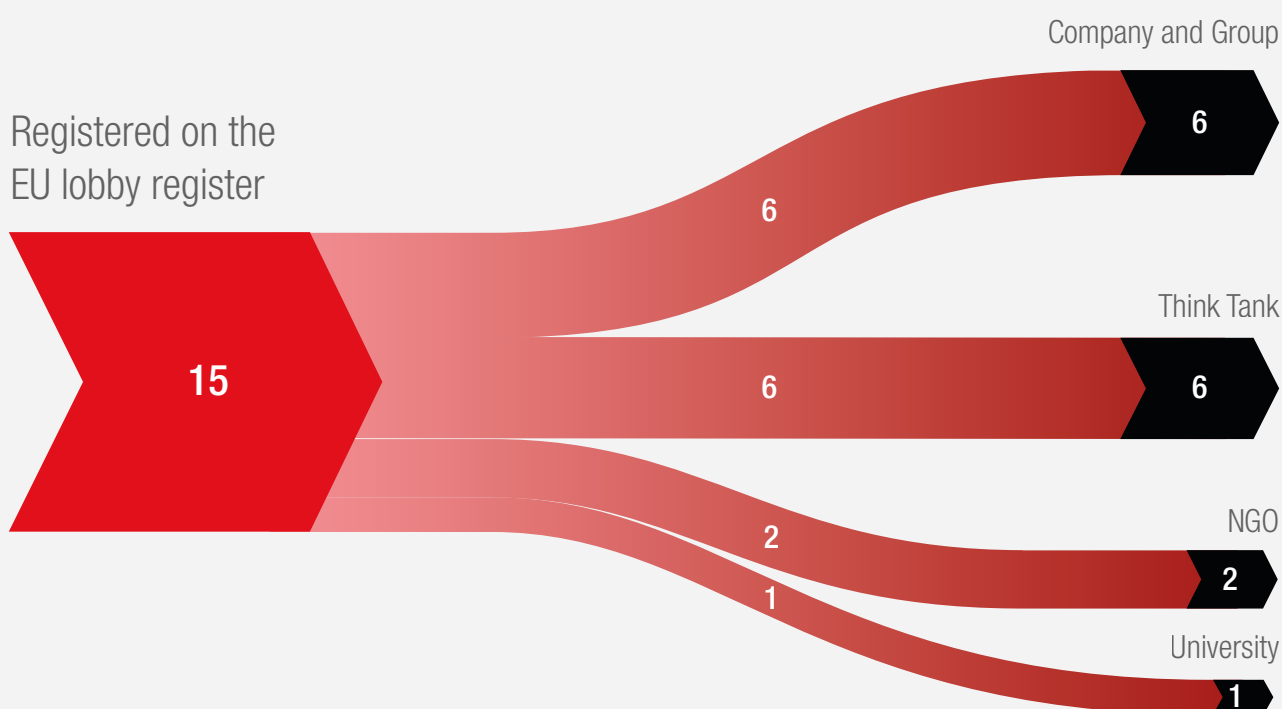
For the two previous Commissions, the Ad hoc Ethical Committee delivered five negative opinions.<sup>50</sup> On each occasion, the former Commissioner gave up the intention to engage in the activity before a negative ruling by the Commission was necessary.

Until the ruling of the Barroso case, decisions made by the Ad hoc Ethical Committee were not published pro-actively and had to be requested

**Graphic 3: Post-mandate activities of Commissioners by category**



**Graphic 4: Breakdown of Commissioners' post-mandate activities with EU lobby organisations**



by Access to Documents requests. However, the Commission publishes annual reports detailing the decisions taken by senior staff since 2014.<sup>51</sup> No details are provided, however, on how many senior officials left the Commission or how many notifications they received in total. According to official numbers, there are 3,038 senior staff in the Commission, of which a large number leave the Commission every year, mostly to retire.

According to a 2016 report,<sup>52</sup> the Commission has not prohibited a single employment request by senior staff. It claims that it had not received a formal notification of employment that would amount to a conflict of interest or potential lobbying. However, the report lists 10 activities that were greenlighted with additional conditionality or needed further monitoring. The panel approved jobs such as former Director-General for Energy Philip Lowe's new positions as self-employed

Senior EU adviser for Wilmer Hale, a Brussels-based law firm involved in EU lobbying.<sup>53</sup> Or the move of the former Head of Cabinet of Commissioner Barnier, Bertrand Dumont, now in charge of financial market regulation for HSBC.

One prominent example of the shortcomings of the current regulations is that of Herve Jouanjean,<sup>54</sup> who was Director-General for DG Budget until 2014. After the approval of the Commission, he joined the biggest French law firm Fidal. Despite the clear conditions for greenlighting his new job not to engage in lobbying towards the Commission, not to work on issues he was responsible for during his last three years of public service and not to contact his former colleagues in DG Budget, Jouanjean was put in charge of EU relations by his new employer.

The European Ombudsman launched an inquiry<sup>55</sup> into the revolving door practices at the

European Commission in 2013 following a complaint by several NGOs.<sup>56</sup> In September 2016, she concluded that the Commission should do a better job of recording how and why it makes decisions on post-service employment. She highlighted the need to ensure that those making post-employment decisions have no personal connection to the person requesting permission. The results of these decisions should then be published online in a timely manner so that the public can understand why a certain decision has been made. The work of the Ombudsman has significantly improved what information is now available on post-employment at the European Commission.

It is important to point out again that our objective is not to prevent all staff movements between the European Commission and other employers or activities. The Commission's internship programme, for example, is hugely beneficial to the

career development of over 1,500 individuals per year, particularly since most of them go on to work for other organisations. Many others work for the institution on short- or medium-term contracts and then take that experience elsewhere. The aim of this report is simply to recommend sensible rules that help to limit some of the most adverse consequences of such career moves – in line with international best practice.

Comparisons with international best practice show that the ad hoc system of oversight lacks independence, capacity and investigative power. France and Canada, for example, have independent oversight authorities with 40-50 staff that have full investigative powers and can sanction violations with fines and, in severe cases, prison sentences. Such an independent body would also relieve the College of Commissioners of the duty to pass judgement on the conduct of former or current colleagues.

**Table 2: Post-mandate activities of Commissioners by category**

Type of employment	# MEPs	Of which in registered lobby organisations	in %
Company & Group	7	6	86%
Consultancy	1	0	0%
NGO	2	2	100%
Think tank	6	6	100%
University	2	1	50%
<b>Total</b>	<b>18</b>	<b>15</b>	<b>83%</b>



## International best practice

Regulating the revolving door is not a new intrusive add-on to the fight against corruption, but a widely-recognised tool dating back to US reforms in the 1930s and enshrined in the United Nations Convention against Corruption, which recognises revolving door regulation with post-employment restrictions as an international norm.<sup>57</sup> The EU is a member to the Convention, but it has not even carried out the obligatory initial self-assessment in the eight years since it joined the Convention.<sup>58</sup> While Commission President Juncker has repeatedly stated the ambition for the EU to be a leader in integrity and ethics,<sup>59</sup> the current rules at EU level are lagging behind international best practices.

Organisation for Economic Co-operation and Development (OECD) research provides best practice examples of revolving door regulation from among its members countries, even if there is no one-size-fits-all solution.<sup>60</sup> Based on their research, we provide short descriptions of the Canadian and French models below. However, Canada and France are not the only cases of strong rules and enforcement. In 2014, 12 OECD countries had some post-employment regulations for elected office holders and public officials of the executive branch and eight for the legislative branch, even if the strength of these regulations varies.<sup>61</sup>

Australia, Norway and France have also introduced “cooling-off” periods, during which former office holders are prohibited from lobbying their former government departments. In the US there are cooling-off periods of one year for members of Congress, two years for senators and senior members of the government.<sup>62</sup> President Barack Obama strengthened the rules at the beginning of his tenure by executive order. It placed additional post-employment restrictions on all presidential or vice presidential appointees in the executive branch. These appointees had to agree to a binding ethics pledge, which prohibited them, after leaving government service, from lobbying any member of the executive branch for the remainder of the Obama Administration.<sup>63</sup>

**Table 3: Countries with cooling-off rules in the executive and legislative branches**

In the executive branch	In both the executive and the legislative branches
Chile	Canada
Italy	Germany
Netherlands	Ireland
Spain	Korea
	Mexico
	Portugal
	Slovenia
	USA

Source: OECD, “Lobbyists, Governments and Public Trust,” *Implementing the OECD Principles for Transparency and Integrity in Lobbying*, Volume 3, 2014.



**Commission President Juncker wants the EU to be a leader in integrity and ethics, but the current revolving door rules are lagging behind international best practice.**

## CANADA: FIVE-YEAR BAN ON LOBBYING

The Canadian ethics framework is exemplary, both in terms of reach and implementation. Two laws regulate aspects of the revolving door: the 2007 Conflicts of Interests Act and the 2008 Lobbying Act.

As part of the Lobbying Act, Ministers and Members of Parliament are prohibited from engaging in lobbying activities that could result in a conflict of interest for five years after leaving office. They are prohibited from lobbying public office holders on a range of issues – including law making, contracts and other decisions – and are asked to refrain from arranging meetings between a public office holder and any other person. In addition to this, there are even stricter rules under the separate Conflict of Interest Act, which apply during the first two years for former ministers and during the first year for other public office holders. During this time they cannot work for, contract with or serve on the board of an entity

with which they had direct and significant official dealings during their last year in office. They also cannot represent them in official dealings.<sup>64</sup>

In addition to the five-year ban on lobbying, there is a general obligation for public office holders to avoid any potential conflicts of interest in future positions. Former officials are prohibited for life from taking improper advantage of a previously held public office and improperly using information obtained in office. This includes a lifetime ban on switching sides in which a former official would act on behalf of any person or organisation in matters relating to a specific procedure or negotiation in which they previously acted for or provided advice to the government. To monitor and enforce the provisions under the Lobbying and the Conflict of Interest Acts, the Canadian system has two independent officers of Parliament with wide-reaching competences and resources.



Canada has a five-year cooling-off period for senior officials, ministers and Members of Parliament. There is also a lifetime ban on switching sides.



The Commissioner of Lobbying oversees any issues related to lobbying, including the *Registry of Lobbyists* and post-employment in the lobbying sector. The Commissioner has an annual budget of nearly €3 million and a staff of 28. The office provides guidance and training, but also conducts investigations and sanctions lobbyists where necessary. Its investigation team of five people is bigger than the entire staff currently dedicated to the EU Transparency Register, which has three times more registrants.

The Conflict of Interests and Ethics Commissioner has a budget of around €5 million per year and a staff of 47. The office monitors potential conflicts of interest of 2,200 senior public office holders, including ministers, parliamentary secretaries, ministerial staff and, to some degree, members of parliament. It also examines any alleged breaches of post-employment obligations.

The Commissioner can impose monetary penalties for failure to meet certain reporting deadlines and can also investigate any current or former public office holder at the request of an MP, Senator or on the Commissioner's own initiative. As of June 2015, the Commissioner has opened more than 200 investigations and since 2013 has issued 55 penalties.<sup>65</sup> In case of a breach, the main sanction, however, is negative publicity, or government or party discipline.

The disparity between Canada and the EU is wide. The Ad Hoc Ethical Committee in the European Commission, for example, has no staff resources. At the European Parliament, the Advisory Committee on the Code of Conduct is supported by the Members Administration Unit, which has a staff of two. It is fulfilling a range of other tasks and disposes of no significant investigative capacity. Both in resourcing and in competences, the EU institutions lag far behind their peers in Canada.

## FRANCE: A STRONG TRANSPARENCY & ETHICS AUTHORITY

France's transparency and ethics rules have seen important reforms since the scandals around former Budget Minister Jérôme Cahuzac, who resigned in 2013 after allegations of tax fraud. Oversight of the French administrative and political system has since been completely overhauled. At the heart of the new framework is the newly created High Authority for Transparency in Public Life (HATVP).

This independent authority was established in 2014 with a mission to strengthen transparency and promote integrity amongst public office holders. 14,000 of them now submit declarations of interest and assets to the authority. They contain detailed information on their property and financial situations. The declarations are thoroughly inspected by the HATVP in order to detect irregularities and to prevent any potential conflicts of interest. Since 2014, more than 5,000 declarations have been examined.

One noteworthy practice of the French system is that declarations must be submitted at the beginning and at the end of public office holder's mandate (with intermediate updates in between in case of substantial changes). This allows the HATVP to better monitor changes during the time in office as well as post-employment activities. The authority is also tasked with assessing post-public employment in order to prevent revolving door cases for all former ministers, mayors and presidents of local executive authorities for a period of three years after they leave office. All new remunerated private activities have to be authorised. If the High Authority deems the activity incompatible with the official's previous position, it can either prevent them or impose conditions to avoid conflicts of interest. Failure to comply can lead to a judicial procedure.

To fulfil its tasks, the HATVP has an annual budget of €6 million and 40 full-time staff to fulfil its mission. Beyond auditing assets and preventing conflicts of interest, the authority dedicates resources to its prevention work ranging from



**The French High Authority is in sharp contrast with the fragmented system of the EU, with its multiple ad-hoc committees in charge of ethics and integrity.**

individual advice to office holders to seminars at public service academies that train France's future civil servants. The system is particularly robust as submitting a false or incomplete declaration carries a penalty of three years' imprisonment and a fine of up to €45,000. More serious breaches fall under criminal law and can carry even longer sentences.

Since its creation, the High Authority has overseen more than 5,000 declarations and has transmitted 23 cases of erroneous declarations by ministers or MPs to the public prosecutor.<sup>66</sup> A number of the cases have already been convicted: a senator has been sentenced to six months suspended prison and incurred a €60,000 fine for omitting a Swiss bank account. A former minister was convicted to a two-month suspended prison and a €5,000 fine also for an omission in her declaration. A member of the National Assembly was sentenced to a €45,000 fine. A Secretary of State had to step down nine days after his nomination, when the review of his declaration by the HATVP showed he had not

correctly filed his tax returns. A further 19 cases were placed "under review" due to inconsistencies, including two French MEPs who downplayed the extent of their financial interests. This is a matter that the European Parliament ethics oversight had failed to spot for years.

With the upcoming elections of 2017 and a likely change of government, the French revolving door provisions will be tested for the first time on a grand scale. At the same time, the HATVP will also assume its new responsibility of creating and overseeing the French lobby register. With the entry into force of the Sapin II law, the HATVP is equipped with additional powers and responsibilities and becomes an important example of a centralised and independent agency overseeing different aspects of the influence of money on politics: from asset and income declarations, over the revolving door to lobby transparency. This is in sharp contrast to the EU's fragmented system, with its multiple ad hoc committees in charge of ethics and integrity and final decisions taken by current or former colleagues.





**Table 4: Comparative analysis of different authorities for transparency and integrity**

Criteria	Authority in charge of transparency and integrity			
Authorities	EU Commission: Ad-hoc Ethical Committee / College of Commissioners <sup>67</sup>	EU Parliament: Advisory Committee / EP President <sup>68</sup>	France: Haute Autorité pour la transparence de la vie publique <sup>69</sup>	Canada: Conflicts of Interest and Ethics Commissioner (OCIEC) & Lobbying Commissioner (OCL) <sup>70</sup>
Performance	<ul style="list-style-type: none"> <li>• Not a single prohibition of post mandate activity</li> <li>• 5 negative opinions in past mandates, leading to request withdrawals</li> <li>• Number of high-level scandals</li> </ul>	<ul style="list-style-type: none"> <li>• 12 breaches of the Code of Conduct since 2013, not a single sanction</li> <li>• 19 declarations where conflicts of interests cannot be ruled out</li> <li>• 8 outside jobs with registered lobbyists</li> </ul>	<ul style="list-style-type: none"> <li>• About 30,000 declarations of interest processed</li> <li>• 23 referrals to the Public Prosecutor for Government officials and MPs in three years</li> </ul>	<ul style="list-style-type: none"> <li>• OCIEC: As of June 2015, more than 200 investigation files opened and 34 public reports issued<sup>71</sup></li> <li>• OCL: Since 2006, 191 Administrative reviews<sup>72</sup> and investigations have been closed with 1 conviction in November 2016<sup>73</sup>.</li> </ul>
Legal basis / institutional setting	<ul style="list-style-type: none"> <li>• Internal committee of EC, meeting behind closed doors</li> <li>• Appointed and called upon by President</li> <li>• No right to initiative</li> </ul>	<ul style="list-style-type: none"> <li>• Internal committee of EP, meeting behind closed doors</li> <li>• Appointed and called upon by President</li> <li>• No right to initiative</li> </ul>	<ul style="list-style-type: none"> <li>• Independent administrative authority</li> <li>• Has a right to initiative, acts also upon request</li> </ul>	<ul style="list-style-type: none"> <li>• Independent administrative authority</li> <li>• Has a right to initiative, acts also upon request</li> </ul>
	<ul style="list-style-type: none"> <li>• 28 current and all former Commissioners</li> </ul>	<ul style="list-style-type: none"> <li>• 751 MEPs</li> </ul>	<ul style="list-style-type: none"> <li>• Over 14,000 officials</li> <li>• Closer scrutiny for Government officials, MPs and senior public officials</li> <li>• 74 French MEPs</li> </ul>	<ul style="list-style-type: none"> <li>• 2,200 public office holders, including ministers and ministerial staff</li> <li>• 338 MPs and 105 Senators</li> <li>• Senior officials in civil service and heads of federal government organisations.</li> </ul>
	<ul style="list-style-type: none"> <li>• Decision on sanctions not made public.</li> <li>• Decisions on post-mandate activities of Commissioners public</li> <li>• Annual report on EC senior staff activities</li> </ul>	<ul style="list-style-type: none"> <li>• Decisions are not made public.</li> <li>• Annual report on its activities, no information pertaining to individual cases.</li> </ul>	<ul style="list-style-type: none"> <li>• Decisions are made public on a case-by-case basis. Comments on DOA and DOI are automatically available</li> <li>• Annual reports on its activities</li> </ul>	<ul style="list-style-type: none"> <li>• A report is made public once investigations are closed</li> <li>• Publishes annual reports on their activities</li> </ul>
	<ul style="list-style-type: none"> <li>• DOI not in open, searchable or machine readable format (PDFs), no central hub</li> </ul>	<ul style="list-style-type: none"> <li>• DOI not in open, searchable or machine readable format (PDFs), no central hub</li> </ul>	<ul style="list-style-type: none"> <li>• Open data hub for DOI and DOA</li> </ul>	<ul style="list-style-type: none"> <li>• OCIEC: Open data hub for DOI</li> <li>• OCL: Not applicable</li> </ul>

Criteria	Authority in charge of transparency and integrity			
Authorities	<b>EU Commission: Ad-hoc Ethical Committee / College of Commissioners<sup>67</sup></b>	<b>EU Parliament: Advisory Committee / EP President<sup>68</sup></b>	<b>France: Haute Autorité pour la transparence de la vie publique<sup>69</sup></b>	<b>Canada: Conflicts of Interest and Ethics Commissioner (OCIEC) &amp; Lobbying Commissioner (OCL)<sup>70</sup></b>
Mandate	<ul style="list-style-type: none"> <li>Assesses possible ethical breaches, violation of the CoC and advises the President</li> <li>Post-mandate activities of Commissioners covered</li> </ul>	<ul style="list-style-type: none"> <li>Assesses possible ethical breaches, violation of the CoC and advises the President</li> <li>Post-mandate activities of MEPs not covered</li> </ul>	<ul style="list-style-type: none"> <li>Investigates irregularities and possible Col and directly informs key decision-makers and the public prosecutor of potential criminal offences (25 cases)</li> </ul>	<ul style="list-style-type: none"> <li>OCIEC: Investigates possible Col and reports to Parliament</li> <li>OCL: Investigates possible breaches of the Lobbying Act and the Lobbyists' Code of Conduct.</li> </ul>
	<ul style="list-style-type: none"> <li>Provides confidential guidance to Commissioners upon request, no trainings</li> </ul>	<ul style="list-style-type: none"> <li>Provides confidential guidance to MEPs upon request</li> </ul>	<ul style="list-style-type: none"> <li>Counsels and trains officials on ethical principles and supports institutions to set up their ethics systems</li> </ul>	<ul style="list-style-type: none"> <li>OCIEC: Provides confidential advice to public office holders and MPs, provides trainings.</li> <li>OCL: Has an education outreach and programme for lobbyists, public office holders and the public.</li> </ul>
Sanctions as defined in ethical codes	<ul style="list-style-type: none"> <li>For COL in post-employment: Cutting transitional allowances, pensions and other special privileges</li> </ul>	<ul style="list-style-type: none"> <li>No sanctions for COL in post-employment</li> <li>Submitting false or incomplete declaration of interest can lead to withdrawal of daily allowances<sup>75</sup></li> </ul>	<ul style="list-style-type: none"> <li>Submitting false or incomplete DOA or DOI is punished with up to 3 years of prison and a 45,000€ fine. Refusing to submit documents is punished with 1 year of prison and a 15,000€ fine<sup>76</sup></li> </ul>	<ul style="list-style-type: none"> <li>OCIEC: Failure to comply with certain sections of the act may be subject to a fine of up to C\$500<sup>77</sup>. MPs may face sanctions upon recommendation by the Commissioner to the Parliament<sup>78</sup></li> </ul>
	<ul style="list-style-type: none"> <li>Commissioners are subject to disciplinary actions up to and including compulsory retirement and deprivation of pension rights or other benefits</li> </ul>	<ul style="list-style-type: none"> <li>MEPs are subject to disciplinary action, up to and including the termination of office in case of serious allegations (requires a two-thirds majority in the EP)<sup>79</sup></li> </ul>	<ul style="list-style-type: none"> <li>Public office holders are subject to disciplinary action, up to and including the suspension of their civic rights and prison terms in case of serious allegations (follows normal penal procedure)<sup>80</sup></li> </ul>	<ul style="list-style-type: none"> <li>Public office holders can be terminated. MPs may face sanctions upon recommendation by the Commissioner to the Parliament</li> <li>OCL: Lobbying Act allows financial fines of up to 200,000C\$ and a max. prison sentence for 2 years<sup>81</sup></li> </ul>

Criteria	Authority in charge of transparency and integrity			
Authorities	EU Commission: Ad-hoc Ethical Committee / College of Commissioners <sup>67</sup>	EU Parliament: Advisory Committee / EP President <sup>68</sup>	France: Haute Autorité pour la transparence de la vie publique <sup>69</sup>	Canada: Conflicts of Interest and Ethics Commissioner (OCIEC) & Lobbying Commissioner (OCL) <sup>70</sup>
Post-employment rules	<ul style="list-style-type: none"> <li>• 18 months cooling-off period</li> <li>• Need to notify Commission of intention to engage new occupation</li> <li>• Life-time obligation to act with integrity and discretion</li> </ul>	<ul style="list-style-type: none"> <li>• No cooling-off period after mandate</li> <li>• No restrictions on second jobs while in office, except for lobbying</li> <li>• When lobbying, MEPs do not benefit from facilities granted (EP access badge and office)<sup>82</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Former ministers and local elected officials, as well as members of boards of independent administrative authorities must receive express authorisation by the authority for any remunerated activity in the private sector during the 3 years following the end of their mandate<sup>83</sup></li> </ul>	<ul style="list-style-type: none"> <li>• OCIEC: 2-year cooling-off period for ministers, 1 year for senior officials<sup>85</sup></li> <li>• Lifetime restrictions on COI and taking improper advantage of information obtained in public office<sup>85</sup>. Lifetime ban on switching sides.</li> <li>• OCL: Explicit 5-year ban in lobbying business for former public office holders<sup>86</sup></li> </ul>
Resources	<ul style="list-style-type: none"> <li>• No staff</li> <li>• Ad-hoc Committee with 3 members. No known resources</li> </ul>	<ul style="list-style-type: none"> <li>• 2 Staff members in Members Admin Unit</li> <li>• 5 sitting MEPs plus reserve members</li> </ul>	<ul style="list-style-type: none"> <li>• 40 staff members</li> </ul>	<ul style="list-style-type: none"> <li>• OCIEC: 47 staff members</li> <li>• OCL: 28 staff members</li> </ul>
	<ul style="list-style-type: none"> <li>• No investigation unit</li> </ul>	<ul style="list-style-type: none"> <li>• No investigation unit</li> </ul>	<ul style="list-style-type: none"> <li>• 14 staff in the investigation unit</li> </ul>	<ul style="list-style-type: none"> <li>• OCIEC: 5 staff in the investigation unit</li> <li>• OCL: equivalent 9 full-time staff in the investigation directorate</li> </ul>
	<ul style="list-style-type: none"> <li>• No information available</li> </ul>	<ul style="list-style-type: none"> <li>• No information available</li> </ul>	<ul style="list-style-type: none"> <li>• Budget 2017: 6 million euros</li> </ul>	<ul style="list-style-type: none"> <li>• OCIEC Budget 2016: 5 million euros<sup>87</sup></li> <li>• OCL Budget 2016: 3 million euros<sup>88</sup></li> </ul>



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27. Article 245 of the Treaty of the Functioning of the European Union. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>.
28. European Parliament, Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1023>.

29. Article 17 of the EU Staff Regulation and Article 9 of the Implementing Measures for Title VII of the Conditions of Employment of Other Servants of the European Communities. Available at [http://ec.europa.eu/civil\\_service/docs/toc100\\_en.pdf](http://ec.europa.eu/civil_service/docs/toc100_en.pdf).

30. Decision of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament (2005/684/EC, Euratom). Available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32005Q0684>.

31. More details on some of these cases of MEPs going through the revolving door can be found on Revolving Door Watch, which is run by Corporate Europe Observatory: <http://corporateeurope.org/revolvingdoorwatch> The remaining cases are based on our own research and more detail is available on EU Integrity Watch: [www.integritywatch.eu](http://www.integritywatch.eu)

32. Full Revolving Door Watch Profile: <https://corporateeurope.org/revolvingdoorwatch/cases/sharon-bowles>

33. Full Revolving Door Watch Profile: <https://corporateeurope.org/revolvingdoorwatch/cases/holger-krahmer>

34. Jennifer Rankin for The Guardian, 'Juncker asks EU ethics panel to investigate Barroso's Goldman Sachs job,' 12 September 2016. Available at: <https://www.theguardian.com/world/2016/sep/12/juncker-asks-eu-ethics-panel-to-investigate-barrosos-goldman-sachs-job>

35. <https://www.ft.com/content/9354d5b2-11cd-11e6-839f-2922947098f0>

36. Cynthia Kroet for POLITICO, 'Another Barroso commissioner under fire,' 10 July 2016. Available at <http://www.politico.eu/article/another-barroso-commissioner-under-fire-ferrero-waldner-gamesa/>.

37. Decisions adopted by the Commission on former Commissioners' post-mandate occupations: [http://ec.europa.eu/transparency/ethics-for-commissioners/decisions\\_en.htm](http://ec.europa.eu/transparency/ethics-for-commissioners/decisions_en.htm).

38. European Commission. Code of Conduct for Commissioners. Available at <http://ec.europa.eu/transparency/regdoc/rep/3/2011/EN/3-2011-2904-EN-F1-1.Pdf>.

39. European Commission Transparency: The Ad hoc Ethical Committee. Available at [http://ec.europa.eu/transparency/ethics-for-commissioners/ad-hoc-ethical-committee\\_en.htm](http://ec.europa.eu/transparency/ethics-for-commissioners/ad-hoc-ethical-committee_en.htm).

40. Articles 245(2) and 339 of the Treaty on the Functioning of the European Union (TFEU).

41. See definition of senior officials in line with Article 16 (3) [http://ec.europa.eu/civil\\_service/docs/c\\_2015\\_8473\\_f1\\_communication\\_from\\_commission\\_to\\_inst\\_en\\_v4\\_p1\\_834004.pdf](http://ec.europa.eu/civil_service/docs/c_2015_8473_f1_communication_from_commission_to_inst_en_v4_p1_834004.pdf).

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Stoiber's role as special advisory. <https://corporateeurope.org/pressreleases/2016/05/ombudsmans-ruling-stoiber-appointment-process-constituted-maladministration>

44. Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20100101:EN:PDF>.

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46. Proposal for a Regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011PC0890>.

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53. WilmerHale Brussels Office. Available at <https://www.wilmerhale.com/pages/OfficeDetails.aspx?officelid=45509>

54. Hervé Jouanjean, Revolving Door Watch. Available at <https://corporateeurope.org/revolvingdoorwatch/cases/herv-jouanjean>.

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63. Maskell, J. 7 January 2014. Post-Employment, “Revolving Door,” Laws for Federal Personnel. Congressional Research Service. Available at <https://www.fas.org/sgp/crs/misc/R42728.pdf>.

64. “Nor can they make representations to a department, organization, board, commission or tribunal with which they had direct and significant official dealings during their last year in public office”.

65. The full list of penalties of up to C\$500 can be found here: <http://ciec-ccie.parl.gc.ca/EN/ReportsAndPublications/Pages/MonetaryPenalties.aspx>

66. Website of the French Senate Public Broadcaster: <https://www.publicsenat.fr/lcp/politique/transparence-haute-autorite-transmis-13-dossiers-justice-pointe-23-conflits-d-interets>

67. Sources: Commission decision C(2003) 3750; Code of conduct for Commissioners (paragraphs 1.2 and 2.3); Article 245 of the Treaty on the Functioning of the European Union

68. Code of conduct for Members of the European Parliament with respect to financial interests and conflicts of interest.

69. Law n°2013-906 regarding transparency in public life

70. Conflict of Interest Act; Conflict of Interest Code for Members of the House of Commons

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72. OCL compliance statistics available here: [https://lobbycanada.gc.ca/eic/site/012.nsf/eng/h\\_00831.html](https://lobbycanada.gc.ca/eic/site/012.nsf/eng/h_00831.html)

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74. Members of Parliament who are not ministers or parliamentary secretaries are governed by the Conflict of Interest Code for Members of the House of Commons. Senators are governed by the Ethics and Conflict of Interest Code, which is administered by the Senate Ethics Officer.

75. Art. 8 of the Code of conduct for Members of the European Parliament with respect to financial interests and conflicts of interest.

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77. Art. 52 of the Conflict of Interest Act.

78. Art. 28 (6) of the Conflict of Interest Code for Members of the House of Commons

79. Art. 8 of the Code of Conduct & Rule 166 (3) of the Rules of Procedure.

80. Art. 26 of the Law n°2013-906 regarding transparency in public life.

81. Section 14.1 - 3 of the Lobbying Act

82. Art. 6 of the Code of Conduct.

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85. Sections 33 to 42 of the Conflict of Interests Act.

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87. Page 42 of the 2015-2016 Annual report in respect of the Conflict of Interest Act.

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