



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate B
Administrative Policies
The Director

Brussels, **06 DEC. 2012**
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Mr. Erik Wesselius
Director, ALTER-EU
Rue d'Edimbourg 26
1050 Brussels

Dear Mr Wesselius,

I have been asked to respond to your letter of November 5th addressed to President Barroso. I should mention at the outset that the President does not share your views about the Commission decision-making process. Please be assured, that the collegial procedures in place provide a solid framework protecting the decision-making process from undue influence.

Regarding your remark that there is a contrast between the wealth of material regarding the resignation of Mr Dalli which has appeared in the media, and the paucity of the hard information which has been put out by the Commission, you will certainly admit that such a contrast is not out of the ordinary. The Commission does not make a point of commenting on rumours which appear in the media and has already clearly stated that Mr Dalli decided to resign because it had become politically untenable for him to continue in office. Your allegations of lack of transparency on the part of the Commission are not founded as it appears from the fact that a large set of documents related to this issue have actually been released by the Commission under regulation 1049/2002, including four requests introduced by members of Alter EU.

As the Commission has already explained, in particular to the European Parliament, the European Anti-Fraud Office's report has been transmitted to the Maltese Authorities and is now part of judicial proceedings in Malta. It is covered by the rules regarding secrecy of investigations and it cannot be released without the prior consent of the Maltese authorities. With reference to your questions concerning possible other similar cases, the Commission has not been informed of any other situation in which undue influence on the Commission decision-making mechanisms would have allegedly been offered by the acquaintance or family of a Member of the Commission.

There are many lobbyists established in Brussels, representing all kinds of interest; while the vast majority of these operations never engage in inappropriate behaviour, the Commission is not in a position to assess the business practices of each and every one of

them. However, a large and constantly increasing number of them are bound by the common code of conduct related to the Transparency Register and are thus subject to its complaint mechanism, which can be activated by any citizen in case of suspicions of breach of the code substantiated by material evidence.

We do not believe that you have made a case for "far stricter transparency and ethics rules" and would recall that, in this case, an independent investigation was immediately launched by OLAF and that the Commission decision making procedure has not suffered. As planned, Mr Borg's proposal is already going ahead in accordance with the Commission's internal rules.

The guarantees which protect European affairs against "undue influence" feature in Art 1 and 3 of the Treaty TEU which foresee the strict obligations for Commissioners to promote the general interest of the Union and to be completely independent, and also in the collegiate nature of Commission decision-making. These fundamental obligations are also developed in the Code of Conduct for Commissioners. It is not clear that adding more detailed rules and guidelines would bring significant marginal benefits, nor that it might be advisable or even possible to regulate for every imaginable eventuality. It is interesting to note, that countries relying on clear ethical principles, rather than formalistic compliance, manage best to eradicate inappropriate behaviour from public life.

You also refer to the rules to prevent conflict-of-interest situations. The new Code of Conduct for Commissioners, which the Commission adopted on 20 April 2011, has reinforced the restrictions imposed upon former Commissioners with regard to their post-office activities, especially when those might involve contacts with the Commission. The provisions contained in the new Code of Conduct for Commissioners correspond to comparative best-practice at government and international level (cf. for example OECD study of 2010 on "Post-Public Employment: Good practices for preventing conflict of interest", ISBN 978-92-64-05670-1).

Finally, there is the issue of the registration of "lobby consultants" in the transparency register. The provisions have an in-built review schedule and this process is due to start already in 2013.

Yours sincerely,



Hubert Sztaszewski

CC: Mr J. Laitenberger, Head of cabinet of the President
Mr J. Nociar, Head of cabinet of Vice-President Sefcovic
Ms Day, Secretary General of the Commission