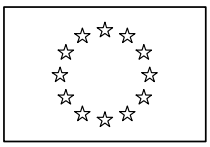

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GREEN PAPER

EUROPEAN TRANSPARENCY INITIATIVE

(presented by the Commission)

GREEN PAPER

EUROPEAN TRANSPARENCY INITIATIVE

I. INTRODUCTION

The commitment to widen opportunities for stakeholders to participate actively in EU policy-shaping is one of the "Strategic Objectives 2005–2009" with which the European Commission launched a "Partnership for European Renewal"[1]. In this context, the Commission emphasised, in particular, that *"inherent in the idea of partnership is consultation and participation"*.

By the same token, the Commission stressed the importance of a *"high level of transparency"* to ensure that the Union is *"open to public scrutiny and accountable for its work"*.

The Commission believes that high standards of transparency are part of the legitimacy of any modern administration. The European public is entitled to expect efficient, accountable and service-minded public institutions and that the power and resources entrusted to political and public bodies are handled with care and never abused for personal gain.

Against this background, the Commission launched the "European Transparency Initiative" (ETI) in November 2005[2].

The Initiative is intended to build on a series of transparency-related measures already put in place by the Commission, in particular those taken as part of the overall reforms being implemented since 1999 and in the White Paper on European Governance. Major achievements in this field are:

– the "access to documents" legislation (Regulation (EC) No 1049/2001), which provides the framework for access to the unpublished documents of the EU institutions and bodies through register of documents or following individual requests. The Commission has also created a register of documents (as required by the Regulation) plus a special register of documents related to work of the 'comitology' committees;

– the launch of databases providing information about consultative bodies and expert groups advising the Commission;

– wide consultation of stakeholders and in-depth impact assessments prior to legislative proposals. These help to ensure that proper account is taken of the concerns of citizens and of all interested parties. They make essential contributions to implementing the Commission's "better lawmaking" policy;

– the Commission's "Code of Good Administrative Behaviour", which is its benchmark for quality service in its relations with the public. The professional ethics

[1] COM(2005) 12.
[2] SEC(2005) 1300.

of Commission staff are regulated in the Staff Regulations and its implementing rules. As regards the political level, the EC Treaty includes clear provisions on the ethical standards to be observed by Members of the Commission. These have been put into operation through the "Code of Conduct for Commissioners".

With the European Transparency Initiative, the Commission has launched a review of its overall approach to transparency. The aim is to identify and stimulate a debate on areas for improvement. Consequently, the Initiative covers a broad spectrum of issues. These range from fuller information about management and use of Community funds to professional ethics in the European institutions and the framework in which lobby groups and civil society organisations are operating.

When launching the Initiative on 9 November 2005, the Commission drew a distinction between three areas of action.

In the first field, it decided to take the following immediate action:

– In order to allow better scrutiny of use of EU funds under centralised management, a dedicated internet site, providing easy access to existing information about the beneficiaries of projects and programmes, is being created. The site will also contain links to websites of the Member States where data on the beneficiaries of EU funds under shared management can be found.

– The Commission will improve the coverage of its register of documents, in particular with a view to making more documents directly available online.

The second cluster will consist of a debate with the other European institutions on:

– the rules and standards on professional ethics of public office holders in the European institutions;

– a review of the "access to documents" legislation. Inter-institutional cooperation on this subject will be backed up by a stakeholder consultation towards the end of 2006 or early 2007 followed by a proposal from the Commission;

– revision of the legal framework for the EU's Anti-Fraud Office (OLAF) to ensure that Member States systematically notify the Office of the final outcome of fraud cases reported to the national authorities.

Finally, the Commission identified three key components of the ETI which should be driven forward on the basis of a future open public consultation and which are the subject of this Green Paper.

- **The need for a more structured framework for the activities of interest representatives (lobbyists**)

  Openness has always been the Commission's guiding principle for contacts with interest representatives. In recent years the Commission has reinforced and further developed its policy on participation by civil society organisations and other stakeholders, in particular by adopting the "White Paper on European Governance" and the "General Principles and

Minimum Standards for the Consultation of Interested Parties"[3].

At the same time, the Commission has stressed the principle that "*with better involvement comes greater responsibility"*[4]. Relations between the Commission and interest representatives must be open to outside scrutiny. Therefore it was considered timely to review the framework for activities of interest representatives and seek views on the need for new initiatives.

- **Feedback on the Commission's minimum standards for consultation**

  The Commission's consultation standards contribute to ensuring transparent interaction between interest representatives and the Commission. It is now three years since the standards were first applied.

  The Commission would like to add to its own internal monitoring of application of the standards by seeking external feedback.

- **Mandatory disclosure of information about the beneficiaries of EU funds under shared management**

  In addition to the abovementioned internet portal, the question has been raised of whether Member States should be legally obliged to disclose the beneficiaries of EU funds under shared management.

Interested parties are invited to submit their views on these subjects by answering the questions contained in the specific chapters on each of the three issues.

The consultation opens on 3 May and closes on 31 August 2006.

Contributions are to be sent to the Commission via a dedicated website, where further information about the consultation process is available. The Commission will also consult stakeholders through its representations in Member States.

All contributions will be published on the site.

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[3] COM(2002) 704.

[4] European Commission White Paper on European Governance.

II. TRANSPARENCY AND INTEREST REPRESENTATION (LOBBYING)

1. Definitions and basic framework

For the purposes of this Green Paper, "lobbying" means all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions.

Accordingly, "lobbyists" are defined as persons carrying out such activities, working in a variety of organisations such as public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units ("in-house representatives") or trade associations.

For a meaningful discussion on how to frame lobbying at EU level, it is necessary to define the basic framework on which the relationship between the EU institutions and lobbyists should be built. The Commission views the following components as essential:

1. Lobbying is a legitimate part of the democratic system, regardless of whether it is carried out by individual citizens or companies, civil society organisations and other interest groups or firms working on behalf of third parties (public affairs professionals, think-tanks and lawyers).

2. Lobbyists can help bring important issues to the attention of the European institutions. In some cases, the Community offers financial support in order to ensure that views of certain interest groups are effectively voiced at European level (e.g. consumer interests, disabled citizens, environmental interests etc.).

3. At the same time, undue influence should not be exerted on the European institutions through improper lobbying.

4. When lobby groups seek to contribute to EU policy development, it must be clear to the general public which input they provide to the European institutions. It must also be clear who they represent, what their mission is and how they are funded.

5. Inherent in the European institutions' obligation to identify and safeguard the "general interest of the Community"[5] is their right to hold internal deliberations without interference from outside interests.

6. Measures in the field of transparency must be effective and proportionate.

2. Potential problem areas

Concerns have been voiced by the media, academics and interest representatives about lobbying practices which are considered to go beyond legitimate representation of interests. This applies not only to practices which are clearly unlawful (fraud and corruption) but also to other improper lobbying methods which abuse the EU institutions' policy of openness or are plainly misleading.

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[5] Cf. Article 213 of the EC Treaty.

Examples often quoted in this context are:

- Distorted information is provided to the EU institutions about the possible economic, social or environmental impact of draft legislative proposals.

- Modern communication technologies (internet and e-mail) make it easy to organise mass campaigns for or against a given cause, without the EU institutions being able to verify to what extent these campaigns reflect the genuine concerns of EU citizens.

- The legitimacy of interest representation by European NGOs is sometimes questioned because some NGOs seem to rely on financial support from the EU budget as well as on political and financial support from their members.

- By contrast, according to many NGOs, there is no level playing field in lobbying because the corporate sector is able to invest more financial resources in lobbying.

- In general terms, there is criticism about the lack of information about the lobbyists active at EU level, including the financial resources which they have at their disposal.

3. Existing measures and options

The Commission's existing policy on transparency in lobbying is based on two different categories of measures. On the one hand, there is the information provided to the general public about the relations between interest representatives and the Commission in order to allow outside scrutiny. On the other, there are the rules on integrity which govern the proper conduct of those being lobbied and of the lobbyists themselves.

3.1. Outside scrutiny

External scrutiny can act as a deterrent against improper forms of lobbying. Transparency measures can provide information about who is engaged in lobbying activities and the positions they take when lobbying the European institutions.

The European Commission has contact with a wide variety of stakeholders, experts and lobbyists. This section deals with participation by interest representatives in public consultation processes.

In this area, the Commission already has a well-established policy on transparency, which is laid down in the *"General principles and minimum standards for the consultation of interested parties"*.

The *minimum standards* require that participants' contributions to public consultations be published on the internet (see also Chapter III). The consultation standards also contain requirements with regard to transparency about the nature of interest groups.

General principles and minimum standards for consultation

"Openness and accountability are important principles for the conduct of organisations when they are seeking to contribute to EU policy development. It must be apparent:

- *which interests they represent*
- *how inclusive that representation is.*

Interested parties that wish to submit comments on a policy proposal by the Commission must therefore be ready to provide the Commission and the public at large with the information described above. This information should be made available either through the CONECCS database (where organisations are eligible for this database and wish to be included on a voluntary basis) or through other measures, e.g. special information sheets. If this information is not provided, submissions will be considered as individual contributions"[6].

CONECCS[7] is the Commission's voluntary database on European civil society organisations. "Civil society organisations" is a wide-ranging concept and includes trade unions and employers' federations, NGOs, consumer groups, organisations representing social and economic players, charities and community-based organisations[8]. CONECCS can therefore be regarded as a database on European interest (lobby) groups.

CONECCS is used as an information source for Commission departments and the general public. However, there is no requirement or incentive for a civil society organisation to register. Equally there is no disincentive against failing to register.

The European Commission runs neither an accreditation system nor a compulsory register of organisations that have dealings with the Commission.

By contrast, the European Parliament (EP) has an accreditation system for all needing frequent access to this institution (defined as five or more days per year). This system allows physical access to the Parliament. Special passes are issued by the Quaestors and are valid for one year. These state the holder's name, the name of the firm the holder works for and the organisation the holder represents. A register of accredited lobbyists is published on the EP website. It is simply an alphabetical list and provides only the names of the badge holders and of the organisations they represent. It gives no indication of the interests for which a lobbyist is acting.

Within the EU, the German Bundestag is, for the time being[9], the only parliament that has adopted specific formal rules on registration of lobbyists. Each year a public list is drawn up of all groups wishing to express or defend their views. Interest groups are required to provide the following information in order to register: their name and seat, composition of the board of management and directors, sphere of interest, number of members, names of their

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6 COM (2002) 704.

7 CONECCS – **Con**sultation, the **E**uropean **C**ommission and **C**ivil **S**ociety http://europa.eu.int/comm/civil_society/coneccs/index_en.htm.

8 The Commission has drawn largely on the definition used by the European Economic and Social Committee (EESC).

9 Compulsory systems are currently under consideration in some of the new EU Member States.

representatives and the address of their office. There is no requirement to provide any financial information. The register is available on the internet.

In principle, lobbyists cannot be heard by parliamentary committees or be issued with a pass admitting them to parliamentary buildings unless they are on the register. However, the *Bundestag* can also invite organisations that are not on the register to present information on an *ad hoc* basis.

Some non-EU countries (the USA and Canada) have established a compulsory register of lobbyists, i.e. they impose an obligation on public relations firms and lobby groups to list their clients, the issues they deal with and the money they are paid by each client to perform their tasks. Lobbyists must also submit a regular report. The data are made available to the public on the internet.

Reinforcing external scrutiny

A number of options can be considered for reinforcing the external scrutiny of lobbying. Providing more extensive information on who has contributed to the development of a policy or legal framework and developing an incentive-based registration system are the options that seem most appropriate to the European Commission.

Improved information

First, emphasis should be placed on consistent application of the existing rules in the field of open public consultations. This means that the Commission will ensure that in this type of consultation interest groups are systematically asked to provide information about their objectives, sources of funding and the interests represented.

Application of these existing transparency requirements could be improved by developing an electronic tool (questionnaire), which would allow the Commission to gather more information on participants in web-based open public consultations.

Such a ready-made tool would be used by all Commission departments for their internet consultations.

Registration – A voluntary system with incentives to register

The Commission could develop and manage a web-based voluntary registration system for all interest groups and lobbyists who wish to be consulted on EU initiatives. Groups and lobbyists which register certain information about themselves would be given an opportunity to indicate their specific interests and, in return, would be alerted to consultations in those specific areas. Consequently, only lobbyists who have registered would be automatically alerted by the Commission. To qualify for entry in the register, applicants would need to provide information on who they represent, what their mission is and how they are funded. Applicants would also have to subscribe to a code of conduct (see Section 3.2.), which would be enforced credibly and transparently. From the point of view of the general public, the register would provide a general overview, open for public scrutiny, of groups engaged in lobbying the Commission.

3.2. Integrity rules: Codes of conduct for lobbyists

Alongside external scrutiny of contacts with lobbyists, integrity rules are another essential contribution to transparency in lobbying.

Current situation

The traditional concept at European level has put the onus on the ethical behaviour of the representatives of the institutions themselves rather than laying down additional legally binding rules on the conduct of lobbyists. Therefore Members of the Commission and the staff of European institutions are bound by strict rules ensuring their impartiality. The relevant provisions are contained in the Treaty establishing the European Communities and the Staff Regulations (see Annex).

These rules are enforced by special monitoring and sanction mechanisms.

The Commission has taken the view that voluntary codes of conduct for lobbyists can play a useful supporting role. The Commission has so far opted for a self-regulation policy in this field. In the 1992 Communication on special interest groups, lobbyists were invited to adopt their own codes of conduct on the basis of minimum criteria proposed by the Commission. The main features of these criteria can be summarised as follows:

- Lobbyists should act in an honest manner and always declare the interest they represent.
- They should not disseminate misleading information.
- They should not offer any form of inducement in order to obtain information or to receive preferential treatment.

As a result of the system of self-regulation encouraged by the Commission, various umbrella organisations of European public affairs practitioners (consultants and consultancy firms) have adopted voluntary codes of conduct. These are based on the minimum standards proposed by the Commission and are very similar in tone and content. In 2005 the organisations added to their codes internal sanction mechanisms, ranging from a reprimand to limited or indefinite expulsion.

Up to now no cases of misdemeanour have been reported in the context of these voluntary codes of conduct. Another important point to note is that only consultants adhere to such codes. Neither lobbyists who are permanent employees of interest groups nor other groups of interest representatives who occasionally engage in lobbying activities (e.g. law firms and think-tanks) fall within the scope of such voluntary codes of conduct. Compared to the whole lobbying community in Brussels, the coverage of the voluntary codes has consequently been limited. Furthermore, as the current system relies on self-discipline it appears necessary to consolidate the existing codes and put in place a common enforcement and sanction system trusted by all. This could include a common code of conduct, applicable to all lobbyists, monitored by a special umbrella organisation and possibly coupled with a Commission-led registration system. It has also been suggested that the EU institutions should be willing to impose formal sanctions on any lobbyist breaking the code of conduct.

The European Parliament has a compulsory code of conduct[10] for all seeking accreditation (see above). Any breach could lead to the withdrawal of accreditation, i.e. of the possibility of physical access to the premises of the EP.

No compulsory codes of conduct currently exist in the EU Member States[11]. Canada appears to be the only non-EU country to apply such a system. In terms of substance, the Canadian code covers the same areas as the minimum criteria for a voluntary code proposed by the Commission. The Canadian law provides that when the "Registrar of Lobbyists" has reasonable grounds to suspect a breach of the Lobbyist's Code of Conduct, he must investigate that breach and report to Parliament. The results of those investigations are available to the public. (In 2003-2004 four complaints were investigated, all four of which were found to be without substance.) Violation of the law can lead to a prison term or a fine of up to €66 000.

The way forward

Against this background, the Commission considers that greater transparency in lobbying is necessary. It considers that a credible system would consist of:

– A voluntary registration system, run by the Commission, with clear incentives for lobbyists to register. The incentives would include automatic alerts of consultations on issues of known interest to the lobbyists.

– A common code of conduct for all lobbyists, or at least common minimum requirements. The code should be developed by the lobbying profession itself, possibly consolidating and improving the existing codes.

– A system of monitoring and sanctions to be applied in case of incorrect registration and/or breach of the code of conduct.

The Commission does not consider that a compulsory registration system would be an appropriate option. A tighter system of self-regulation would appear more appropriate. However, after a certain period, a review should be conducted to examine whether self-regulation has worked. If not, consideration could be given to a system of compulsory measures – a compulsory code of conduct plus compulsory registration.

Questions:

- *Do you agree that efforts should be made to bring greater transparency to lobbying?*
- *Do you agree that lobbyists who wish to be automatically alerted to consultations by the EU institutions should register and provide information, including on their objectives, financial situation and on the interests they represent? Do you agree that this information should be available to the general public? Who do you think should manage the register?*
- *Do you agree to consolidating the existing codes of conduct with a set of common minimum requirements? Who do you think should write the code?*

[10] Article 3 of Annex IX to the EP's Rules of Procedure.

[11] In Slovakia and Hungary States compulsory approaches are being considered.

- *Do you agree that a new, inclusive external watchdog is needed to monitor compliance and that sanctions should be applied for any breach of the code?*

III. FEEDBACK ON APPLICATION OF THE MINIMUM STANDARDS FOR CONSULTATION

Wide consultation allows involvement of interested parties in the policy-shaping process. It is an essential tool for improving the quality of the Commission's legislative proposals. The Commission's *minimum standards* form a key part of the *Better Lawmaking* action plan, the primary objective of which is to improve the quality of EU legislation.

The Commission adopted a Communication on the *minimum standards for consultation* in December 2002[12]. The objective was to create a transparent and coherent general framework for consultation, yet one that was flexible enough to allow Commission departments to adapt their consultation methods to particular policy areas. The overall rationale was to ensure that interested parties are properly heard in the Commission's policy-making process.

The minimum standards apply to consultations on the Commission's major policy proposals for which an impact assessment is required; these proposals are listed in the Commission's Annual Work Programme[13]. The minimum standards also apply to consultations on Green Papers[14]. Commission departments are encouraged to apply these standards to other consultation exercises as well. However, certain consultation tools are exempted from application of the minimum standards. These include decisions taken by a process involving formal consultation of the Member States (i.e. the committees procedure), consultation under the "*social dialogue"* (Articles 137 to 139 of the EC Treaty) and consultations required under international agreements. The general principles and minimum standards are not legally binding.

The Communication defines "**consultations"** as those processes through which the Commission wishes to trigger input from interested parties for the shaping of policy prior to a decision by the Commission. "**Interested parties"** means all who wish to participate in consultations run by the Commission, whether they are organisations or private citizens.

The minimum standards have been in force since the beginning of 2003. By the end of 2005 the Commission had completed more than one hundred major proposals[15] to which the minimum standards applied. In addition, the Commission published 26 Green Papers[16] over these three years, to which the standards also applied.

Over this period, the general assessment was that overall compliance is good. The Better Lawmaking reports[17] state that most of the minimum standards have been properly applied by

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12 COM(2002) 704.

13 "Work Programme" website http://europa.eu.int/comm/atwork/programmes/index_en.htm; "Impact Assessment" website http://europa.eu.int/comm/secretariat_general/impact/index_en.htm.

14 Green Papers website: http://europa.eu.int/comm/off/green/index_en.htm.

15 These proposals are available on the impact assessment site: http://europa.eu.int/comm/secretariat_general/impact/practice_en.htm

16 Green Papers are available on the following site: http://europa.eu.int/comm/off/green/index_en.htm.

17 The "Better Lawmaking" reports report on application of the minimum standards for consultation: 2003 report http://europa.eu.int/eur-lex/en/com/rpt/2003/com2003_0770en01.pdf

the Commission departments. In particular, the single access point for consultation, the "Your Voice in Europe" web portal[18], is widely used to publicise new open public consultations. The minimum time limits for responses seem to have been met in most cases. The impact assessment reports reported on the consultation processes and results in a transparent manner. However, contributions to open public consultations were not published on the internet in every case. There were also cases of insufficient feedback on how comments received via consultations were or were not taken into account in the final policy proposal from the Commission.

It is important for the Commission to seek feedback from the participants in the consultation processes - interested parties who have first-hand experience of consultations and of the application of the consultation standards, bearing in mind that these standards apply only to (i) major policy proposals on which an impact assessment is required and (ii) Green Papers. This feedback will enable the Commission to identify possible room for improvement in application of these standards and to consider possible further steps to tighten up application of the standards.

Question:

In your view, has the Commission applied the general principles and minimum standards for consultation in a satisfactory manner? You may refer to the individual standards (provided, for ease of reference, in Annex 2).

Please give reasons for your reply and, where appropriate, provide examples.

IV. DISCLOSURE OF BENEFICIARIES OF COMMUNITY FUNDS

The European Commission is committed to raising awareness of the use made of EU money, notably by explaining better what Europe does and why it matters. The Commission is responsible for implementing the EU budget. It is accountable to the taxpayer and considers it to be in the general public interest to provide information on how EU funds are spent.

Although modern mass communication tools open up unprecedented opportunities for public access to information, European citizens regrettably feel that they have relatively limited knowledge about the European Union. At the same time, citizens have growing expectations of greater transparency in public institutions. As is increasingly the case in other spheres of life, the public expects to be able to access desired information "on demand" in a user-friendly form. The EU, as a driver of change and modernity, wishes to be at the forefront of this development.

Preparing information for release to the public is often associated with an additional administrative burden. The Commission considers that this is a necessary investment in public support.

The Commission already provides this information for the EU-funded policies which it manages centrally and directly and has given a commitment to do so in a more user-friendly

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[18] 2004 report http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2005/com2005_0098en01.pdf and Annex http://europa.eu.int/comm/civil_society/docs/SEC_2005_0364_1_EN.pdf http://europa.eu.int/yourvoice/consultations/index_en.htm.

manner. However, the majority of the EU budget is not spent centrally and directly by the Commission but in partnership with the Member States ("shared management"). The common agricultural and fisheries policies, the Structural Funds, the Cohesion Fund and the European Refugees Fund are implemented under this shared management formula. Taken together, these policies managed in partnership with Member State authorities, make up 75.7% of the EU budget, i.e. €86.6 billion a year.

It must be borne in mind that the meaning of "beneficiary" varies considerably from one policy to another, ranging from individual farmers, fishermen, etc. to NGOs, training providers or national Ministries, who initiate or implement certain action.

Information on beneficiaries of Community funds spent in partnership with Member States is currently in the hands of each Member State and any disclosures on the subject are left to their discretion. The extent to which information is made public differs significantly.

In the absence of an overall obligation at EU level, it is naturally difficult to form a complete picture of the exact situation for each programme or project in each Member State. In the case of the Common Agricultural Policy for example, information on beneficiaries is currently available in eleven Member States (Belgium, Denmark, Estonia, France, Ireland, the Netherlands, Portugal, Spain, Slovenia, Sweden and the UK)[19], but with wide variations in the degree of detail available and the procedures for providing this information (ranging from total and direct access to partial access on request). For the Structural Funds, the basic data on beneficiaries are collected by Member States but neither centralised nor made available to the public. Information on beneficiaries of the Financial Instrument for Fisheries Guidance is available in some Member States (e.g. on-line information in Denmark, Ireland, Lithuania, Spain and Sweden).

Citizens often turn to the European Commission for information on the use of the EU budget down to the beneficiaries, if this information is not disclosed at regional or national level. This puts the Commission in a difficult position, since it either does not have this information or does not have the right to hand it out without the prior agreement of the Member State concerned. The existing legal framework explicitly bars the Commission from publishing information on beneficiaries.

Moreover, the restrictive approach taken to publicity by some Member States is often based on national law or practices on data protection, which vary from one country to another beyond the minimum requirements set at EU level[20] and are often determined by different national traditions and cultural perceptions and sensitivities.

Any coherent overall obligation on Member States would therefore have to be based on a new EU legal framework, directly applicable in all Member States, to ensure a consistent approach to all beneficiaries of EU funds.

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19 See for example the information available at: http://www.farmsubsidy.org/60.html.

20 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

Questions:

- *Do you agree that it is desirable to introduce, at Community level, an obligation for Member States to make available information on beneficiaries of EU funds under shared management?*

- *If so, what information should be required at national level? What would be the best means to make this information available (degree of information required, period covered and preferred medium)?*

Annex 1

Integrity: the EC Treaty and the Staff Regulations

Article 213(2) of the EC Treaty

"The Members of the Commission shall, in the general interest of the Community, be completely independent in the performance of their duties.

In the performance of these duties, they shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties. […]

The Members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising there from and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits."

Staff Regulations

Article 11: *"An official shall carry out his duties and conduct himself solely with the interests of the Communities in mind; he shall neither seek nor take instructions from any […] organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially […]."*

Article 16: *"An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.*

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may […] either forbid him from undertaking it or give its approval subject to any conditions it thinks fit."

Annex 2

The general principles and minimum standards in detail[21]

The **general principles for consultation** are participation, openness, accountability, effectiveness and coherence. In practice, this means ensuring that the Commission consults widely and that its consultation processes are transparent, efficient and consistent.

The five **minimum standards** focus on different aspects of the consultation process:

A. Clear content of the consultation process

"All communications relating to consultation should be clear and concise, and should include all necessary information to facilitate responses."

B. Consultation target groups

"When defining the target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinions."

C. Publication

"The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, open public consultations should be published on the internet and announced at the "single access point."[22]

D. Time limits for participation

"The Commission should provide sufficient time for planning and responses to invitations and written contributions. The Commission should strive to allow at least 8 weeks for reception of responses to written public consultations and 20 working days notice for meetings."

E. Acknowledgement and feedback

"Receipt of contributions should be acknowledged. Results of open public consultation should be displayed on websites linked to the single access point on the internet. […] Contributions to open public consultations will be made public on the single access point. Results of other forms of consultation should, as far as possible, also be subject to public scrutiny on the single

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21 For the full content of the principles and standards, see COM(2002) 704, Chapter V. http://europa.eu.int/comm/secretariat_general/sgc/consultation/index_en.htm.

22 The "Your Voice in Europe" portal (http://europa.eu.int/yourvoice/consultations/index_en.htm) was subsequently set up as the Commission's single access point for consultation. It consists of two parts: on its home page the Commission departments have an opportunity specially to promote their consultations. Most consultations are posted only on the pages for individual policy activities, maintained by the relevant Commission departments, which are equally linked to the single access point.

access point on the Internet. The Commission will provide adequate feedback to responding parties and to the public at large."[23]

[23] Feedback should be provided in explanatory memoranda accompanying legislative proposals, in communications following a consultation process and in impact assessment reports. For these documents in 2003-2005, see the impact assessment site: http://europa.eu.int/comm/secretariat_general/impact/practice_en.htm.