



Joint Transparency Register
Secretariat



Brussels,

Myriam Douo

Friends of the Earth Europe (FOEE)

Sent only by email to:
myriam.douo@foeeurope.org

Ref.: TR-C-2019-86

Dear Ms Douo,

I refer to the complaint you submitted on 3 April 2019 (TR-C-2019-86) on behalf of the organisation Friends of the Earth Europe to the Joint Transparency Register Secretariat (JTRS) regarding the organisation Eurogas (registered in the Transparency Register under ID number 17909506129-41) alleging that Eurogas has breached points b), f) and g)¹ of the Transparency Register Code of Conduct.²

As regards the alleged breach of **points f)** and **g)**, the JTRS recalls that it did not consider the complaint admissible. However, the JTRS recalls that it found the complaint admissible on the grounds of alleged violation of **point b)** of the Transparency Register Code of Conduct.

¹ *'In their relations with EU institutions and their Members, officials and other staff, interest representatives shall: [...]*

b) not obtain or try to obtain information or decisions dishonestly or by use of undue pressure or inappropriate behaviour;

f) in general, respect, and avoid any obstruction to the implementation and application of, all rules, codes and good governance practices established by EU institutions;

g) not induce Members of the institutions of the European Union, officials or other staff of the European Union, or assistants or trainees of those Members, to contravene the rules and standards of behaviour applicable to them;'

² http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=CODE_OF_CONDUCT

You were also informed by letter of 21 June 2019 that the JTRS saw enough reasons to examine the propriety of trying to influence a politician's decision whether or not to accept a meeting invitation by highlighting an intention to grant a monetary donation to a third party.

The JTRS has made the following points in reaction to statements made by Eurogas:

- i) The JTRS made it clear to Eurogas that it did not in any way question the practice of perception audits or the practice of granting charitable donations. However, the JTRS did not see why an invitation sent to a given person, much less an MEP or an EU official, to contribute to a perception audit needed to be linked with making a charitable donation to a third party. Charitable actions to finance noble causes, in the opinion of the JTRS, should be stand-alone activities, completely independent from an organisation's Public Affairs agenda towards the EU institutions. The intention to make such a donation, in the view of the JTRS, does not need to be mentioned when approaching politicians (either directly or via a professional consultancy) about their opinions, as the charitable act has nothing to do with the subject of the sought meeting, as Eurogas has underlined.
- ii) The JTRS also took the opportunity to state its opinion that this perception audit falls within the scope of activities covered by the Transparency Register. Indeed, as explained by Eurogas in its reply to the JTRS letter, the perception audit '...serves as a tool for Eurogas to reflect generally on how to improve its interactions with stakeholders in the field and the manner in which it will advocate positions in the future.' Therefore, for the purposes of the Transparency Register, such an audit should be conceived as a 'capacity-building tool' and, at the very least, be considered an 'indirect' influencing activity which should be duly recognised and accounted for in an organisation's registration (under the Financial data heading).
- iii) As regards a potential breach of **point b)** of the Transparency Register Code of Conduct, the JTRS agreed that Eurogas has not sought to '*obtain or try to obtain information or decisions dishonestly or by use of undue pressure.*' As for the latter part of this point, i.e. the issue whether there has been any '*inappropriate behaviour*' on the part of Eurogas, the JTRS noted that it had never before been confronted with the practice of offering donations to third parties when contacting representatives of the EU institutions. Therefore, so far, it has not had the opportunity to provide relevant advice either directly to professional consultancies and their clients or via other means such as the Implementing Guidelines. In this respect, and taking into account the extensive explanations provided by Eurogas, the JTRS has reached the conclusion **that there has been no intentional non-compliance with point b) of the Code of Conduct** by FTI in the meaning of paragraph 33 of the Interinstitutional Agreement on the Transparency Register³.
- iv) The JTRS underlined its position that the gesture of offering a charitable contribution in recognition of the time granted by an interviewee – who is an MEP, a European

³ Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation, OJ L 277, 19.9.2014, p. 11.

https://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.L_.2014.277.01.0011.01.ENG

Commissioner or an EU official – is problematic from an ethical and from a perception point of view. As such, it is the appreciation of the JTRS, that this practice is not in line with the spirit of the Transparency Register Code of Conduct and the norms of behaviour it seeks to establish regarding interactions with representatives of the EU institutions.

Taking into account these considerations, the JTRS issued a recommendation to cease such practices whether they are conducted in one's own right or by professional consultancies acting on behalf of their clients. The JTRS stressed that adopting such a prudent approach should avoid the risk of similar situations occurring in the future due to possible misinterpretations or differing perceptions on the part of various actors. The JTRS informed Eurogas that it has written separately to FTI Consulting to inform it of this recommendation.

Eurogas has welcomed the JTRS' recommendations and confirmed in writing that it *'will cease to offer charitable contributions in recognition of time granted by an EU institution representative agreeing to meeting Eurogas or a professional consultancy acting on behalf of Eurogas'*, which was the subject of the complaint.

In light of the above facts and conclusions, the JTRS has decided to close the investigation.

Yours sincerely,

María Oliván-Avilés
Coordinator of the Joint Transparency Register
Secretariat