

# National Representations in Brussels

Open for Corporate Lobbyists



Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)

March 2016



# Executive summary

Permanent representations – the primary link between member states and the EU institutions – provide a key avenue for member states to influence policy and legislation at the EU level and have long been suspected of being a target for corporate lobbyists keen to get their message across.

In 2015, ALTER-EU submitted access to information requests to 17 EU member state permanent representations, asking for a list of meetings held with lobbyists in the previous 12 months.

Only four governments (Ireland, Romania, the Netherlands, and Poland) were able to provide all or some information that related to our access to information request, despite the fact that all member states except Cyprus have national legislation governing the right of access to information. The data received from the Netherlands showed that corporate lobbyists regularly hold meetings with the permanent representation. The information received from Ireland, Romania, and Poland also enabled ALTER-EU to determine that **many lobby meetings take place with permanent representations in Brussels and a majority are with corporate lobbyists, giving big businesses significant access to promote corporate agendas.**

Furthermore, the data showed that **lobbyists are able to exploit a loophole in the EU transparency rules which enables them to lobby the permanent representations without being registered** in the EU transparency register. Permanent representations are not covered by the EU lobbying transparency regime. Our figures show that 21 per cent of the meetings listed in the data released by the Dutch permanent representation were with lobbies unregistered with the EU transparency register at the time of the meeting; for the Romanian permanent representation, the figure was 20 per cent.

The data received from the Romanian, Polish, Dutch and Irish representations is available for scrutiny in a public spreadsheet.<sup>1</sup>

<sup>1</sup> [https://docs.google.com/spreadsheets/d/1NEasqm1HoYi0h-6g3lyQpHThM5f7TpFTY\\_DExc7rcx3E/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1NEasqm1HoYi0h-6g3lyQpHThM5f7TpFTY_DExc7rcx3E/edit?usp=sharing)

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The research also illustrates an apparent **complacency about lobbying**, evidenced by the lack of monitoring and record-keeping by the permanent representatives about who lobbies them. This prevents public access to, and scrutiny of, information about the lobbying around EU decision-making processes. Six countries said they did not hold the information requested (Belgium, Denmark, Germany, Portugal, Spain, and Sweden). The Netherlands provided an ad hoc list of corporate lobbyists that it had met with, while making it clear that while this list had been informally maintained by an individual officer in the permanent representation, there is no official policy to record all lobby meetings.

Where such lists of lobby meetings do exist, ALTER-EU's report reveals that other **governments are prepared to deny access**, as in the cases of the UK and Malta which refused to grant access to the information following an internal appeal.

Five countries (Austria, Cyprus, France, Greece, and Italy) did not bother to reply to our requests, despite repeated attempts to get answers.

# 1. Introduction

The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) has been investigating EU member state permanent representations, finding out to what extent they are a target of lobbying.<sup>2</sup>

The member state permanent representations, like the Council and the European Council, are not party to the EU lobby transparency rules. In fact, the Council has consistently emphasised that member states' governments, including their permanent representations in Brussels, should not be covered by EU transparency regulations.<sup>3</sup>

However, as the EU media outlet *Politico*, recently wrote, “Most lobbyists we speak to agree that permanent representations are a soft touch: All you need is the right policy officer and you can come into close contact with the policy formulation at its most influential stage. This is how you get policy input into the Council of Ministers and it’s considerably cheaper than having to deal with member states in capital cities.”<sup>4</sup>

A permanent representation is the primary link between member states and the EU institutions, has its finger on the pulse of EU decision-making, is privy to a huge amount of sensitive information about different member state positions on key policies, and is especially important when a member state holds the six-month rotating presidency of the Council. Each of the 28 EU member states has a permanent representation in Brussels, an office staffed by diplomats and other national-level officials who represent it in EU decision-making. More precisely, each head or deputy head of the permanent representation attends weekly (and non-transparent) COREPER (Comité des représentants permanents) meetings which prepare the agenda for ministerial meetings, and coordinate the work of 150+ ‘Council preparatory bodies’ made up of both ad hoc and permanent committees and working parties of officials from the member states who work on policy issues at the technical level.<sup>5</sup>

For this project, ALTER-EU has tried to find out about permanent representations’ meetings with lobbyists: how many, with whom and on what topic. Our findings are described below.

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<sup>2</sup> Special thanks to those who helped to make access to information requests to the Permanent Representations: Vicky Cann, Martin Galea De Giovanni, Olivier Hoedeman, Luisa Izuzquiza, Nina Katzemich, Bartosz Kwiatkowski, Daniel Luke, Andreas Pavlou, Olivier Petitjean, Irina Pop

<sup>3</sup> <http://alter-eu.org/alter-eus-new-campaign-launched-with-transparency-debate-at-the-parliament>

<sup>4</sup> Brussels Influence newsletter, *Politico*, 7 December 2015.

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<sup>5</sup> <http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/>

Results of access to information requests to national Permanent Representations to the EU:

## National Representations in Brussels

Disclosed complete list of lobby meetings:

Romania  
Poland  
Ireland\*

Disclosed partially complete list of lobby meetings:

Netherlands

Refused access to information:

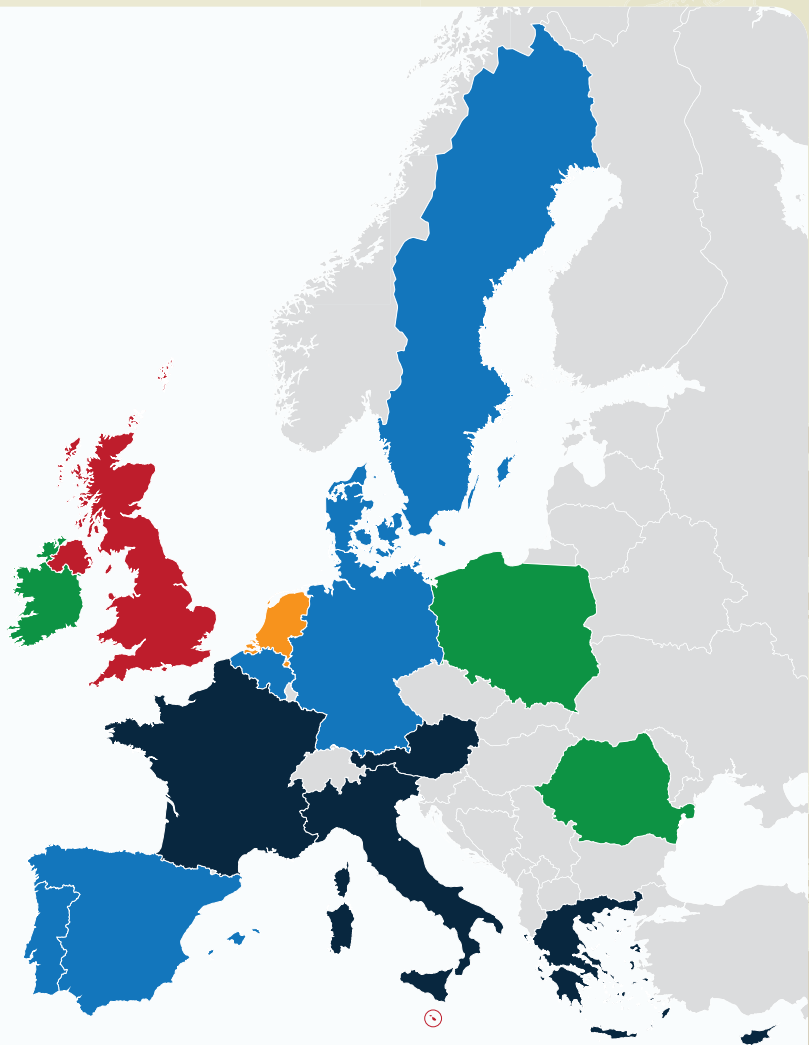
Malta, UK

Did not hold the information requested:

Belgium  
Denmark\*\*  
Germany  
Portugal  
Spain  
Sweden\*\*

Did not reply:

Austria  
Cyprus  
Greece  
France  
Italy



\* After reducing the scope of our request, Ireland provided only the Permanent Representative's and Deputy Permanent Representative's work diaries rather than those of all staff. These diaries include meetings with lobbyists.

\*\* Denmark and Sweden said they did not hold the information requested, and instead provided a list of visitors to their permanent representation.

## 2. Analysis of findings

### 2.1. Permanent representations are mainly lobbied by business interests

If the data provided by the Polish and Romanian permanent representatives is anything to go by, it seems clear that permanent representations are more likely to have lobby meetings with corporate organisations than any other kind of interest group, confirming the view that the corporate capture of EU decision-making is not confined to the European Commission. Our research found that 63 per cent of the 104 lobby meetings held by the Polish and Romanian permanent representations were with corporate interests, whilst only 20 per cent were with civil society organisations. Even though the information received from the Irish permanent representation made it difficult to determine the nature of meetings held with them, it is clear that significantly more interactions were had with corporate interests than other non-corporate lobbyists.

The data received from the Romanian, Polish, Dutch and Irish representations is available for scrutiny in a public spreadsheet.<sup>6</sup>

#### 2.1.a. Romania

In total, 67 per cent of lobby meetings held between June 2014 and July 2015 with the Romanian permanent representation were with corporate bodies (51 out of 76), whilst only 22 per cent (17) were with civil society groups. Eight meetings were held with religious groups, academic organisations, and government/public bodies.

Eleven meetings were described as being about the emissions trading scheme and/or the proposed market stability reserve and were dominated by corporate interests. Two such meetings were with business lobby group FuelsEurope and others with rail business Alstom, building materials company Holcim, ArcelorMittal, chemical industry umbrella group CEFIC, Italian energy company ENEL,

<sup>6</sup> [https://docs.google.com/spreadsheets/d/1NEasqm1HoYi0h-6g3lyQpHTM5f7TpFTY\\_DExc7rcx3E/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1NEasqm1HoYi0h-6g3lyQpHTM5f7TpFTY_DExc7rcx3E/edit?usp=sharing)



and the European Aluminium Association. Meanwhile, all four meetings on the fourth railway package were with corporate interests. The Romanian permanent representation also met with companies such as Thales, ExxonMobil, Google, General Electric, Ford, and Unilever.

#### 2.1.b. Poland

The information released by the Polish permanent representation, whilst not disclosing the issues discussed at the meetings, did reveal that 54 per cent of lobby meetings held between July 2014 and July 2015 were with business interests (15 out of 28 meetings). Fourteen per cent of the lobby meetings were with civil society groups (four meetings) and 32 per cent with government-

## Poland | Meetings

8 am

9 am 9.30 -> call  **LEWIATAN**

10 am

11 am conference call 

12 am

1 pm meeting 

2 pm

3 pm conference call **orange**

4 pm

5 pm

6 pm brainstorm with 

7 pm

8 pm call **ŠKODA**

9 pm

only 14% lobby meetings  
with civil society groups

tal, academic groups or mixed groups (nine meetings). The meetings appear to only cover the calendars of two officials, although we asked for all staff.

In any case, of these 28 meetings some big corporate names stand out: the American Chamber of Commerce to the EU (2 meetings), Ikea (1), Gas Naturally (1), General Electric (1), Lewiatan (Polish member of BusinessEurope) (2), Orange (1), and Skoda which is owned by Volkswagen (1). The Polish permanent representation had one meeting each with the non-government organisations Bertelsmann Stiftung (which has very close ties with the media empire of the same name), European Jewish Congress, European Students' Union and several others. The permanent representation did not meet any national civil society groups despite holding five meetings with Polish business organisations.

The information disclosed by the Polish permanent representation was varied in its quality. Although lacking the topic of the meetings, it did mostly provide the names of individual lobbyists attending the meeting, which is not common practice in other states, but to be welcomed.

## 2.1.c. Ireland

The permanent representation of Ireland disclosed the work diaries of the permanent representative and his deputy, rather than a list of lobby meetings held by all staff. This followed a request to reduce the scope of our original request. Some notable entries in the work diaries include events and meetings with Amazon, American Chamber of Commerce, Bank of Ireland, Cork Chamber of Commerce, Deutsche Bank, European Business Forum, Google, lobby firm Hume Brophy, Irish Business and Employers Confederation, oil industry 'Irish Offshore Operators Association', medical technology company Medtronic, Morgan Stanley, low-cost airline Ryanair, and Uber.

The dominance of corporate interests in interactions with the Irish Permanent Representation is clear,<sup>7</sup> and raises questions over the ability to ensure

## Ireland | Meetings

8 am morning meeting **Bank of Ireland** 

9 am

9.30 -> meeting **amazon.com**

10 am

11 am 11.15 -> call **ALSTOM**

12 am

1 pm catch-up meeting 

2 pm

3 pm

4 pm conference call **Google**


5 pm

6 pm

7 pm meeting **Deutsche Bank**

8 pm

9 pm

last minute meeting 

<sup>7</sup> [http://www.access-info.org/wp-content/uploads/PermRepReport\\_DiaryofPermanentRepresentativeDeclanKelleher.pdf](http://www.access-info.org/wp-content/uploads/PermRepReport_DiaryofPermanentRepresentativeDeclanKelleher.pdf)  
[http://www.access-info.org/wp-content/uploads/PermRepReport\\_DiaryofDeputyPermanentRepresentativeTomHanney.pdf](http://www.access-info.org/wp-content/uploads/PermRepReport_DiaryofDeputyPermanentRepresentativeTomHanney.pdf)



balanced input into EU decision-making processes. In one case, we found that the Irish Permanent Representation held a meeting with the corporate-dominated International Emissions Trading Association, and later that same day planned a meeting with the director in the Commission's DG Energy in charge of Renewables, Research and Innovation, Energy Efficiency. Whilst we were told over the phone that the meeting with DG Energy did not actually take place in the end, the work diaries of the Irish Permanent Representation demonstrate that there were no meetings with non-corporate organisations on the topic of emissions trading, energy, or renewables, in the months leading up to the planned meeting with DG Energy.

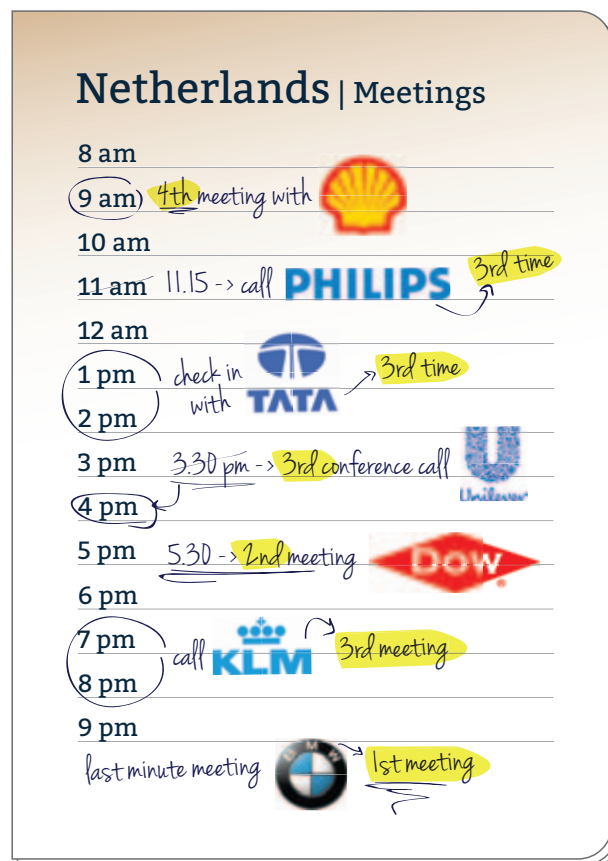
In another case, the permanent representation held a meeting with the Irish Offshore Operators' Association, the representative organisation for the Irish offshore oil and gas industry, and then half an hour later held what looks to be an internal meeting on Climate Energy 2030. Again, the work diaries do not show any evidence of non-corporate interests having met with the permanent representation about this topic before the Climate Energy 2030 meeting.<sup>8</sup>

#### 2.1.d. The Netherlands

The Dutch permanent representation told us that it did not systematically record lobby meetings but that a staff member had recently noted all meetings with corporate lobbies, meaning it was able to provide a list covering the seven month period from September 2014 to March 2015. Notwithstanding the fact that this is an incomplete list (excluding any lobbying by NGOs or trade unions for example) it provides a very useful demonstration of how major Dutch companies target the permanent representation with their lobby messages. Top of the list are Shell (4 meetings), Philips (3), KLM (3) and Unilever (3) with international businesses such as TATA (3 meetings), Dow Chemicals (2), BMW (1) also featuring.

The Netherlands' representation had one meeting with tobacco company Philip Morris, despite being a signatory to the World Health Organisation Convention which requires it to protect tobacco control and public health policies from the vested interests of the tobacco

<sup>8</sup> [http://www.access-info.org/wp-content/uploads/PermRepReport\\_DPRHanney2015\\_01\\_22.pdf](http://www.access-info.org/wp-content/uploads/PermRepReport_DPRHanney2015_01_22.pdf)



industry.<sup>9</sup> The guidelines to the Convention recommend specifically that:

- “2.1 Parties should interact with the tobacco industry only when and to the extent strictly necessary...  
2.2 Where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public.”

In practice this means that lobby meetings with the tobacco industry should be kept to an absolute minimum and all contacts should be disclosed.

Following a separate legal challenge more recently, the Dutch Government has clarified how it will implement these rules, and anti-tobacco campaigners now believe that “from now on the doors of government are closed for the tobacco industry and its lobbyists”.<sup>10</sup>

<sup>9</sup> [http://www.who.int/tobacco/wntd/2012/article\\_5\\_3\\_fctc/en/](http://www.who.int/tobacco/wntd/2012/article_5_3_fctc/en/)

<sup>10</sup> <http://ash.org/court-case-against-dutch-state/>

**Following our conclusion that permanent representations are significantly lobbied by business interests, ALTER-EU recommends that:**  
Permanent representations should avoid the corporate sector dominating in the number of contacts with lobbyists, if necessary by reducing their contacts with

corporate lobbyists or by actively seeking input from a wide range of relevant stakeholders, especially those under-represented in particular policy areas. This would encourage decision-making which prioritises the public interest, especially if a wider range of views and opinions are considered.

## 2.2. Lobbyists are able to exploit loopholes in EU lobby transparency rules

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The research by ALTER-EU indicates that lobbyists can and do seek to influence European decision- and policy-making outside the currently-established rules, since they are not obliged to be registered with the EU lobby register when they meet with permanent representations.

The EU's lobby transparency rules cover all activities "carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions".<sup>11</sup> The register is managed jointly by the European Commission and the European Parliament, whilst the Council is an observer but not a member of this regime.

In fact, "activities directed at Member States, in particular those directed at their permanent representations to the European Union" are specifically excluded from the scope of the register, even though influence is clearly directed at permanent representations, feeding into the deliberations of the Council. This means that an important element of the EU decision-making process is not subject to any EU lobby rules.

The data obtained by our research found that far too many lobby meetings held by the Dutch, Polish, and Romanian permanent representations (21 per cent, 7 per cent, and 20 per cent respectively) were held with lobbyists who were not registered in the EU lobby register.

### 2.2.a. Netherlands

The Dutch permanent representation held eight meetings (21 per cent) with lobbyists which were not in the EU

lobby register at the time of the meetings, although three have subsequently registered. Clifford Chance, a lobbying law firm, remains unregistered.

### 2.2.b. Poland

Unregistered lobbyists were also able to obtain meetings with the Polish permanent representation. One such meeting was held with the still-unregistered Podesta Group, a professional lobby firm that works primarily in the US but also offers its services in the EU. Podesta Group was also not registered in the Polish lobby register.<sup>12</sup> Poland did not provide information on the content of these meetings which makes it impossible to find out which topics the organisations discussed.

### 2.2.c. Ireland

Organisations such as the Cork Chamber of Commerce, Irish Business and Employers Confederation, and Irish Offshore Operators Association were able to meet with the Irish permanent representation without being registered on the EU lobby register.

Since 1 September 2015, a new Irish lobby register has been in place. However, while it is meant to cover all lobbying directed at Irish public officials, those who are based outside Ireland and who only lobby the Irish permanent representation in Brussels are only "en-

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<sup>11</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014Q0919\(01\)&from=en](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014Q0919(01)&from=en)

<sup>12</sup> <http://bip.mswia.gov.pl/bip/rejestr-podmiotow-wykon-wykonujacych-zawodowa-dzialalnosc-lobbingowa.html>



couraged” to register.<sup>13</sup> The work diaries received show that businesses such as Uber and Morgan Stanley have yet to register their interactions with Irish permanent representation officials via the Irish lobby register, as of 25 February 2016<sup>14</sup> – Google on the other hand, did register its interaction.<sup>15</sup> In ALTER-EU’s view, all those who lobby the Irish permanent representation should record interactions and be subject to the full rules of the Irish lobby register.

**Following these findings, ALTER-EU recommends:**  
**Permanent representations should only allow meetings with lobbyists that are registered on the EU lobby register, even if this is not yet a formal requirement. National rules on transparency and lobbying regulation should also be followed by permanent representations when agreeing to meet lobbyists. Ultimately, all permanent representations should be explicitly covered by minimum and uniform requirements to secure effective lobby transparency at the EU level. Until there is an EU-level lobby register which fully includes the European Council, the Council and permanent representations, there will need to be significant improvements to national lobby transparency rules by all member states to ensure that permanent representations are explicitly covered.**

## Member state lobby transparency: decidedly patchy

Lobby transparency at the member state level is patchy at best. According to a Transparency International investigation looking at the lobby transparency regulations in 19 EU countries, only seven have laws or regulations specifically regulating lobbying activities (Austria, France, Ireland, Lithuania, Poland, Slovenia, and the UK).<sup>16</sup> While Slovenia’s lobby transparency regime was rated the best of the 19, as of March 2015, many were deemed “flawed or unfit for purpose”; TI also refers to weak implementation and the lack of enforcement of current rules.

TI’s report also points out that “few countries have any requirements on the public sector to record information about their contacts with lobbyists and lobbying interest groups”. While some have imperfect rules or practices, such as in the UK where lists of lobby meetings held by ministers (but not civil servants) are published, many do not have any such requirements including Austria, Germany, Hungary, Ireland, Italy, Spain, and others.

<sup>16</sup> [http://issuu.com/transparencyinternational/docs/2015\\_lobbyingineurope\\_en?e=2496456/12316229](http://issuu.com/transparencyinternational/docs/2015_lobbyingineurope_en?e=2496456/12316229)

<sup>13</sup> <https://www.lobbying.ie/help-resources/frequently-asked-questions/extra-territorial-application-of-the-act/>

<sup>14</sup> Uber search on 25/02/2016: <https://www.lobbying.ie/app/home/search?currentPage=0&pageSize=10&queryText=Uber&subjectMatters=&subjectMatterAreas=&period=&returnDateFrom=&returnDateTo=&lobbyist=&lobbyistId=&dpo=&publicBodys=10&jobTitles=&client=>

Morgan Stanley search on 25/02/2016: <https://www.lobbying.ie/app/home/search?currentPage=0&pageSize=10&queryText=Morgan%20Stanley&subjectMatters=&subjectMatterAreas=&period=&returnDateFrom=&returnDateTo=&lobbyist=&lobbyistId=&dpo=&publicBodys=10&jobTitles=&client=>

<sup>15</sup> <https://www.lobbying.ie/return/3597/google-ireland-limited>

## 2.3. Permanent representations refuse access to data on lobbying

Regrettably, the UK and Malta both refused to provide lists of lobby meetings with their permanent representations (despite holding the information), citing exemptions from their national access to information laws.

### 2.3.a. United Kingdom

The UK permanent representation initially rejected our request for a list of lobby meetings from the past year, saying that it would breach the cost limit for the public authority to collect the information. At the suggestion of the UK authority, ALTER-EU substantially reduced its request to ask for only a month's worth of lobby meetings. Four months later, following three delays in answering the request, the UK replied to say that it would not release the information, using three different exemptions to argue that disclosure would:

- ▶ “be likely to inhibit the free and frank provision of advice and a candid exchange of views for the purposes of deliberation” (Section 36 of UK Freedom of Information Act);
- ▶ “be likely to prejudice relations between the United Kingdom and other states” (Section 37 of UK FOI Act);
- ▶ “breach the first data protection principle... that personal data should be processed fairly and lawfully” (Section 40 of UK FOI Act).

The UK stated in its reply that, “The EU is a complex organisation and one of the most lobbied in the world; UKRep needs to be able to understand the perspective of those stakeholders, and indeed influence their views and activities, in order to inform and deliver UK objectives in Europe.” This context should favour the disclosure of the information, since access would permit the public to know whether the UKRep is meeting with a broad range of interests.

It is also interesting to note that whilst the UK used personal data protection as a reason to withhold information, the UK Information Commissioner's guidance<sup>17</sup> states that where an individual attends a meeting in the capacity of an employee, if the employee expresses the views of the organisation, those views, when recorded

in the minutes of the meeting, will not be personal data about the employee. In our view, it would be fair and lawful to disclose this information because lobbyists are always expressing their organisations' views - but our appeal on this matter was rejected.

### ALTER EU recommends:

**Permanent representations should proactively publish quality information about all lobby meetings held (such as, but not limited to, the date, organisations and lobbyists in attendance, topic). The information should also be available when requested under access to information rules.**

### UK lobbying in Brussels

In January 2014, *The Guardian* reported that the UK had defeated attempts in Brussels to set legally-binding environmental regulations for shale gas. Prime Minister David Cameron led the efforts but was supported by the UK's Permanent Representative Ivan Rogers who wrote in November 2013 that “seeing off” the proposals for new laws would require “continued lobbying at official and ministerial level using the recently agreed core script”.<sup>18</sup>

Ivan Rogers appears on Corporate Europe Observatory's RevolvingDoorWatch project as he has enjoyed a previous career at financial giants Barclays Capital and Citigroup.<sup>19</sup> Conveniently, another area of major importance to the UK government, permanent representation and corporate interests alike, is banking reform and regulation, including the Capital Markets Union. A snapshot of lobby meetings<sup>20</sup> held by the City of London Corporation (between May and July 2015) shows that at least four meetings were held with the UK permanent representation by its City Office in Brussels.<sup>21</sup> It also met with the permanent representations from Italy, Sweden, Poland and Ireland. The City Office's purpose is to promote the interests of international financial services by facilitating contacts between the City and member states' representatives, amongst other targets.<sup>22</sup>

<sup>17</sup> <https://ico.org.uk/media/for-organisations/documents/1554/determining-what-is-personal-data.pdf>

## 2.4. Permanent representations are turning a blind eye to lobbying activities

Six of the 17 permanent representations (Belgium, Denmark, Germany, Portugal, Spain, and Sweden) responded to our access to information requests to tell us that they do not hold lists of lobby meetings. Our follow-up request in Ireland revealed that minutes were not taken for a number of meetings with lobbyists.

### 2.4.a. Ireland

Having found that the Irish permanent representation held meetings with the International Emissions Trading Association and Irish Offshore Operators' Association (mentioned in section 2.1.c), we followed up with a request for the minutes of meetings with these lobbyists. The permanent representation contacted us to confirm that it did not take any minutes for the meetings requested and was therefore unable to give us any information about what was discussed. A lack of record keeping means it is difficult for citizens to follow the influence of private interests in decision-making and hold their public representatives accountable.

### 2.4.b. Germany

The German Foreign Ministry receives and handles access to information requests destined for the permanent representation. In answer to our initial request, the Ministry refused to provide any information about meetings between its public officials in the permanent representation in Brussels and lobbyists. It said that it did not possess a list nor statistics about lobby meetings.<sup>23</sup> When we then followed up with a request for minutes of all meetings held with interest groups, as a way to find out what meetings were held, we were told that there were no minutes either. We followed

up again with the Ministry, this time over the telephone, and it clarified that minutes for lobby meetings do not exist because “we don’t work like that” and that there was no list of visitors to the permanent representation office either.

Considering the power and influence wielded by Germany in EU law and policy-making, the lack of transparency surrounding lobby meetings with the German permanent representation is a real cause for concern. Just months before the Volkswagen emissions scandal broke in September 2015, Germany (along with France and the UK) lobbied to keep loopholes in car tests for carbon emissions.<sup>24</sup> The NGO Transport and Environment estimate that such loopholes, if allowed, would raise real world carbon dioxide emissions and increase fuel bills. Germany is a well-known advocate for its car industry;<sup>25</sup> Spiegel has reported how German Chancellor Angela Merkel successfully intervened in EU negotiations on proposed vehicle emission standards, by ringing EU Commission President Jean-Claude Juncker the day before a key meeting to voice demands from Germany’s car-makers to ease proposed standards.<sup>26</sup>

### 2.4.c. Sweden and Denmark

The Swedish and Danish permanent representations told us that they did not hold lists of lobby meetings in response to our request for information and instead provided a list of visitors to the respective offices. Whilst such lists can help to provide some indication of who the Danish and Swedish permanent representations have been in contact with, it is not the same as a list of lobby meetings (which may also take place outside the offices of the permanent representation). Indeed, the lists provided do not help to accurately assess the extent of lobbying because many of the 79 entries listed in the Swedish list, and the vast majority of the 151 entries in the Danish list, appear to be with institutions or others on educational visits to the offices.

Notwithstanding, among the business interests reported as visiting the Swedish permanent representation are

<sup>18</sup> <http://www.theguardian.com/environment/2014/jan/14/uk-defeats-european-bid-fracking-regulations>

<sup>19</sup> <http://corporateeurope.org/revolvingdoorwatch/cases/ivan-rogers>

<sup>20</sup> [http://democracy.cityoflondon.gov.uk/documents/s53109/150716 Engagement with EU Policymakers.pdf](http://democracy.cityoflondon.gov.uk/documents/s53109/150716%20Engagement%20with%20EU%20Policymakers.pdf)

<sup>21</sup> [http://www.cityoflondon.gov.uk/business/eu-and-regulation/Pages/city office in brussels.aspx](http://www.cityoflondon.gov.uk/business/eu-and-regulation/Pages/city%20office%20in%20brussels.aspx)

<sup>22</sup> <https://www.cityoflondon.gov.uk/business/eu-and-regulation/Pages/city%20office%20in%20brussels.aspx>

<sup>23</sup> <http://www.access-info.org/wp-content/uploads/German-response-refusal.pdf>

<sup>24</sup> <http://www.theguardian.com/environment/2015/sep/24/uk-france-and-germany-lobbied-for-flawed-car-emissions-tests-documents-reveal>

<sup>25</sup> <http://www.politico.eu/article/merkels-volkswagen-vw-scandal-car-industry-ceo-winterkorn/>

<sup>26</sup> <http://www.spiegel.de/spiegel/print/d-139688865.html>

Scania, the European Biomass Association (AEBIOM), and Trä- och Möbelföretagen (TMF - the trade association of the Swedish wood processing and furniture industry), as well as some (but fewer) civil society organisations such as Christian Solidarity Worldwide and the International Federation for Human Rights. Whilst these organisations are registered in the EU transparency register, other organisations such as the Stockholm Chamber of Commerce and the security company Gunnebo were not registered at the time of entering the permanent representation offices.

The lack of record keeping on lobbying meetings by EU member states impedes public access to information and scrutiny about lobbying directed towards national permanent representations, and in turn, the influence they may have in the EU decision-making process.

**ALTER EU recommends that:**

**All permanent representations to the EU should record and monitor all lobby meetings held.**

### 3. Recommendations

The European Commission has promised to invite the Council to join a revised EU lobby register regime as part of the upcoming interinstitutional agreement process.<sup>27</sup> However, the Council itself has consistently emphasised that member states' governments, including the permanent representations in Brussels, should not be covered by EU transparency regulations. With this reasoning, only the activities of the General Secretariat of the Council, which is not a decision-making body, would be included in an EU level register, which would be a major disappointment, considering the findings of this report. Furthermore, in September 2015, ALTER-EU invited European Council President Donald Tusk (at least for himself and his own officials) to adopt measures similar to the European Commission's policy to proactively publish information about the lobby meetings held. He declined.<sup>28</sup>

As part of our campaign, and following on from this report, ALTER-EU demands that the Council, European Council, and permanent representations introduce far greater lobby transparency and other measures to prevent corporate capture of EU decision-making, including:

- ▶ Permanent representations should avoid corporate dominance in their contacts with lobbyists, if necessary by reducing their contacts with corporate lobbyists or by actively seeking input from a wide range of relevant stakeholders, especially those under-represented in particular policy areas. This would encourage decision-making which prioritises the public interest, especially if a wider range of views and opinions are considered.
- ▶ Permanent representations should record and monitor all lobby meetings held.
- ▶ Permanent representations should proactively publish quality information about all lobby meetings held (such as, but not limited to, the date, organisations and lobbyists in attendance, topic). The information should

also be available when requested under access to information rules.

- ▶ Permanent representations should only allow meetings with lobbyists that are registered on the EU lobby register, even if this is not yet a formal requirement. National rules on transparency and lobbying regulation should also be followed by permanent representations when agreeing to meet lobbyists.
- ▶ Ultimately, all permanent representations should be explicitly covered by minimum and uniform requirements to secure effective lobby transparency at the European level. Until there is an EU lobby register which fully includes the European Council, the Council and permanent representations, there will need to be significant improvements to national lobby transparency rules by all member states to ensure that permanent representations are explicitly covered.

ALTER-EU calls for far tougher EU lobby transparency rules which ensure that lobbying permanent representations is adequately covered. As part of its 'Full lobby transparency now!' campaign, ALTER-EU and its members across Europe wish to see a legally-binding EU lobby register which includes the Council, European Council and permanent representations along with the European Commission and Parliament. Only then will citizens be in a position to really scrutinise lobbying and the influence of corporate interests in EU decision making.

Permanent representations should also have this in mind when they work to develop rules and regulations that ultimately affect the lives of 500m European citizens. In addition to tougher lobby transparency rules, a cultural change is needed inside permanent representations that seeks to prevent corporate capture of their decision-making processes and that rather, strives to defend the public interest.

<sup>27</sup> [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/docs/2015\\_sg\\_010\\_transparencyr\\_04022015\\_updated\\_fvp\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2015_sg_010_transparencyr_04022015_updated_fvp_en.pdf)

<sup>28</sup> <http://alter-eu.org/documents/2015/09/donald-tusk-letter>

# Annex I

## Requests on meetings with lobbyists, sent to permanent representations of member states to the European Union

Request Template sent to the permanent representations:

“With reference to the [NAME OF ACCESS TO INFORMATION LAW], I would like to request the following information:  
How many meetings have employees of the [COUNTRY] Permanent Representation to the EU had with representatives of companies, organisations and other stakeholders, during the last 12 months? I would like to request a list of these meetings: who was present at the meeting, including the names of organisations/ lobbyists presents, as well as the date of the meeting and the subject matter discussed.”

## Chronological explanation of requests:

### Austria

[http://www.asktheeu.org/en/request/list\\_of\\_meeting\\_with\\_organisatio\\_5](http://www.asktheeu.org/en/request/list_of_meeting_with_organisatio_5)

The request was sent on the 11 August 2015. A follow up message was sent on 3 September 2015, but no response was ever received.

### Belgium

The request was sent on the 26 May 2015. We received a reply by email on 22 June 2015 stating the request had been rejected, arguing that the Belgian Permanent Representation does not keep lists of meetings with lobbyists.

### Cyprus

[http://www.asktheeu.org/en/request/request\\_for\\_information\\_meetings\\_2](http://www.asktheeu.org/en/request/request_for_information_meetings_2)

The request was sent on 16 June 2015. Follow-up emails were sent on the 8 July 2015 and the 22 July 2015 via private email as well as a phone call. Following another email on 21 August 2015, we received a reply from the Cypriot authorities on 26 August 2015 saying that they

are considering the request. Whilst another follow-up email was sent on 20 October 2015 (and posted also to AsktheEU.org), we received no reply from the Cypriot Permanent Representation.

### Denmark

The request was sent on the 6 August 2015. We received a reply by email on 17 August 2015 stating that no list of meetings with lobbyists existed. Instead, the Danish Permanent Representation sent a list of visitor groups that visited over the last 12 months.

### France

On 5 October 2015 we sent a request to the French Permanent Representation. We followed up and on 23 November 2015, we received a reply stating they were considering our request. We received no reply following this last message.

### Germany

The request was sent on 3 June 2015, and we received confirmation of receipt on the same day. On 2 July 2015 they responded, “The Permanent Mission of the Federal Republic of Germany to the EU in Brussels **does not [possess a] list or statistics** about the meetings referred to in your request. There are therefore no official prior information.”

On 8 July 2015, we followed up and requested minutes of all the meetings held with interest groups. One month later on 7 August 2015, we were told that that minutes of meetings do not exist. This was confirmed over the telephone and when asked orally, we were told that even a list of registered visitors does not exist either.

<http://www.access-info.org/wp-content/uploads/German-response-refusal.pdf>

### Greece

The request was sent on 16 June 2015. We sent a follow-up email and made a phone call to the Permanent Representation on 22 July 2015 to ensure our request was sent to the right request. We also sent another follow-up email on 21 August 2015, but never received any reply or acknowledgement of receipt despite confirmation

over the phone that we had sent it to the correct email address.

### **Ireland**

The request was originally sent via AsktheEU.org on 30 September 2015. The request was also sent via an online form on 5 October 2015. A telephone call on 19 November 2015 with the Permanent Representation led to us reducing the scope of the request (to just the Assistant Secretary level) in order for it to be answered. Following a redraft, the request was formally confirmed by the Permanent Representation on 4 December 2015. We received a reply by post from the Permanent Representation on 4 January 2016.

### **Italy**

The request was sent on 11 August 2015. We sent a follow-up email on 3 September 2015, but did not receive any response.

### **Malta**

We sent a request on 6 July 2015, with a follow up email on 31 July 2015. The Permanent Representation replied on the same day to say they will look into our request, although we had to follow up again on 15 September 2015 referring specifically to the Maltese access to information law. We received an acknowledgement of receipt on 22 October 2015, and on 1 December 2015, we were refused access to the information “due to Part V or Part VI [of RTI law,] there is good reason for withholding the document requested”. We asked for an internal review of the decision on 12 December 2015, and on 4 January 2016, we were told that the decision still stands.

### **Netherlands**

We sent a request on 19 May 2015. On 18 June 2015, they replied applying a four-week extension. On 23 June 2015, we were told that the Permanent Representation had to suspend the deadline because they have to consult with the relevant stakeholders. We were told on 8 July 2015 that this suspension has been lifted and that we would now expect to receive a request before the end of the month. On 16 July 2015, we received a response that stated “you will find attached a summary of discussions that took place at the Permanent Representation to the business between September 2014 and March 2015. Not all conversations over the past period there were registered, it is therefore not a complete list. Nevertheless, I hope this information is helpful to you.”

We confirmed with the Permanent Representation that we asked for a list of meetings with all stakeholders, not just businesses, as well as confirmation on the policy for recording such meetings. Following a call from the Permanent Representation on 9 September 2015, we were told that a list with information about meetings with NGOs does not exist, and that the Permanent Representation does not keep track of meetings with stakeholders, but one colleague had been doing this for meetings with businesses and they thought it was nice to share this following the request.

The list of 35-40 meetings can be found here: <http://www.access-info.org/wp-content/uploads/list-of-meetings-NL-PermRep-Ontmoetingen-PV-met-vertegenwoordigers-bedrijven.pdf>

### **Poland**

[http://www.asktheeu.org/en/request/wniosek\\_o\\_udo-stepnienie\\_informac](http://www.asktheeu.org/en/request/wniosek_o_udo-stepnienie_informac)

We sent our request on 3 July 2015. On 24 July 2015, the Permanent Representation replied with a list of meetings.

### **Portugal**

[http://www.asktheeu.org/en/request/list\\_of\\_meeting\\_with\\_organisatio\\_3](http://www.asktheeu.org/en/request/list_of_meeting_with_organisatio_3)

We sent a request to the Portuguese Permanent Representation on 11 August 2015. We received a reply on 3 September 2015 stating that they do not possess the information requested. In their reply, they stated “*Public services are only obliged to grant access (by consultation, reproduction or by a certificate) to documents which actually exist and which are in their possession. We firmly believe that public services are not obliged to accept requests of unstructured or “massified” information which needs to be searched, collected and produced, especially when that involves a disproportionate effort. This is clearly the case, because the Portuguese Permanent Representation does not possess such a document with the information you requested.*”

### **Romania**

We sent a request on 11 June 2015. On the 29 June 2015, the Romanian Permanent Representation sent an acknowledgement of receipt. On 17 July 2015, they replied with a list of meetings stating “*Following your request, based on Law no. 544/2001 on access to information we are sending you the list of the meetings that the team members of the PermRep had with representatives of companies, organizations and other interested parties (i.e. stakeholders) in the last 12 months. We would like to*



*inform you that the list has been compiled in accordance to article 12(1) of the aforementioned law.”*

Our follow up on which exceptions were applied resulted in us finding out that some information was redacted because of classified information on deliberations of public authorities, and Romania’s economic and political interests. Only one meeting was redacted due to the exception in Romania’s access to information law relating to personal data.

<http://www.access-info.org/wp-content/uploads/15.06.17-anexa-Reprezentata-Romaniei-UE.docx>

### Spain

[http://www.tuderechoasaber.es/es/request/reuniones\\_con\\_grupos\\_de\\_inters/](http://www.tuderechoasaber.es/es/request/reuniones_con_grupos_de_inters/)

We sent this request on 26 August 2015 via Tuderechoasaber.es. On 9 September 2015, the request was accepted and we received an acknowledgement of receipt. On 22 September 2015, we received a response that stated they do not hold the information.

### Sweden

On 19 May 2015, we sent a request to the Swedish Permanent Representation. On 21 May 2015, they responded stating they do not have such a list, instead offering to disclose the general visitors list. On 3 July 2015, we said we would be happy to receive the list, as well as the register “diarium” of in and outgoing correspondence. On 11 July 2015, we were disclosed the list of visitors, but were denied the diarium.

### United Kingdom

We sent our request on 6 May 2015. We received a reply on 28 May 2015 from the Foreign and Commonwealth Office to say that our original request was overly broad, and asking us to narrow down the request. On 17 June 2015, we narrowed the request down: “In the past month, how many meetings have employees of the UK Permanent Representation to the EU had with representatives of companies, organisations and other stakeholders? I would like to request a list of these meetings: which organisations/lobbyists, the dates and subject.”

On 19 June 2015, we were sent an acknowledgement of receipt. On 15 July 2015, we were told that the deadline was to be extended due to the application of the following exceptions being analysed: Section 27 on International Relations, Section 43 on commercial interests and Section 35 on formulation of government policy. On 12 August 2015 we received another extension letter.

On 8 October 2015, we received yet another letter asking for an extension to the deadline to answer the request.

On 20 October 2015, we were refused access to the information we requested. We challenged this refusal on 27 November 2015 and this was rejected on 24 February 2016.

<http://www.access-info.org/wp-content/uploads/FOI-0582-15-Outcome-of-Internal-review.pdf>

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