

Report Annex

New code, old conduct?

Transparency and conflicts of interest rules in the European Parliament: too loose to deliver?

Correspondence with MEPs in relation to the findings of the publication

July 2013

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1. Bendt Bendtsen (Denmark)

Bendt Bendtsen
Member of the European Parliament
Altiero Spinelli Building
10E116
60, rue Wiertz B-1047 Bruxelles
Brussels, 30th April 2013

Dear MEP Bendtsen,

We are writing to you in relation to information about occupations and interests that you hold on the side of your mandate of elected representative. Friends of the Earth Europe (FoEE), Corporate Europe Observatory (CEO) and Spinwatch are currently undertaking an analysis of the content of the Declarations of Financial Interest (DoFI) of MEPs in the light of the recently revised code of conduct for MEPs. We are planning to use this analysis for a publication to be released in the coming weeks. We are also considering bringing the information to the attention of the President of the Parliament. In order to ensure that our interpretation of the data currently available is correct, we would like to kindly ask you to clarify some information in relation to your own DoFI and provide us with your view on the information. We will include the essence main points of your response in the final publication.

In particular, we would like to ask you for response about your outside activities and memberships. Among outside remunerated activities, your DoFI mentions several memberships in the boards of various companies, including the Danske Bank, Esvagt and Realkredit Danmarks lokalrad i Odense.

Danske bank and Realkredit Danmark

Your DoFI mentions that you are a member of the Advisory Board of Danske Bank, which is “the largest bank in Denmark and one of the leading financial enterprises in northern Europe, with 5 million customers, 578 branches in 15 countries”¹. The Advisory Board is the “consultative body that advises Danske Bank’s Board of Directors” and its exact purpose is “to support and promote Danske Bank’s development, growth and reputation both in Denmark and abroad”. Other members include the CEOs of worldwide multinational companies such as Moller-Maersk Group, DFDS, or Carlsberg². The Danske Bank Group also owns Realkredit Danmark, a mortgage bank in which you also are a board member in the city of Odense.

The Danske Bank is signed up to the Transparency register under the category “in-house lobbyists and trade/professional associations” and is a member of several professional organizations lobbying in Brussels, including the Association for Financial Markets in Europe (AFME) or the European Private Equity and Venture Capital Association (EVCA)³. Therefore Danske Bank has a clear interest in regulations prepared in Brussels, including by the European Parliament, of which you are a Member. Your involvement on regulations of interest for Danske Bank was illustrated by the roundtable lunch on “CRD IV proposal and its potential negative impact on trade, growth and SME activity”, sponsored by the European Association of Craft, Small and Medium-Sized Enterprises (UEAPME) and Barclays bank, which you hosted on January 26th 2012⁴.

Can you please clarify the following?

- **What do your respective roles in Danske Bank and Realkredit Denmark consist of? How are these compatible with your functions of elected representative under the provisions of the code of conduct for MEPs?**

¹ <http://www.danskebank.com/en-uk/About-us/Facts-about-us/Pages/Facts-about-us.aspx>

² <http://www.danskebank.com/EN-UK/ABOUT-US/OUR-MANAGEMENT/BOARD-OF-DIRECTORS/Pages/Advisory-Board.aspx>

³ <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=64866663811-42>

⁴ <http://www.docstoc.com/docs/111349486/2012-01-26-RoundtableLunch-BarclaysBankFleishmanHillard>

<http://www.tradefinancemagazine.com/Article/2968647/Barclays-claims-EU-capital-rules-are-restricting-trade-finance.html>

- **Have you taken any specific measure to ensure that your outside activity does not impact your activity as a regulator and how do you prevent a conflict of interest?**
- **What is the relationship between Realkredit Danmark National and Realkredit Odense?**

Link between Danske Bank and Esvagt to A.P. Moller-Maersk and involvement in Seamall

Danske Bank is directly linked to A.P. Moller-Maersk Group, as 22.84% of Danske Bank are owned by A.P. Moller-Maersk Group and the A.P. Moller and Chastine Mc-Kinney Moller Foundation⁵. A.P. Moller-Maersk Group is a “worldwide conglomerate operating in 130 countries, owning the world’s largest shipping companies and involved in activities in the energy, logistics, retail and manufacturing industries”⁶, including container, shipping, offshore drilling, oil & gas terminals. Besides A.P. Moller-Maersk Group owns Esvagt, the ship operator in which you are also involved. Esvagt is a member of the Svitzer group, itself 100% owned by the A.P. Moller-Maersk Group.

Esvagt⁷, where you declare being a board member, is a Danish ship operator that “delivers safety and support at sea”, meaning that it runs rescue ships. The company also offers services in “oil spill preparedness” in “both sea and coastline”. Seamall⁸, where you declare holding a position of board director, is a Danish procurement platform for shipping companies, which provides global supply to leading shipping companies so as to decrease the prices and enhance their competitiveness. Seamall’s clients represent a global fleet of several hundreds of vessels operating worldwide, including in the North Sea and Greenland. Both Esvagt and Seamall focus exclusively on shipping and maritime operations, including in the North Sea and the Arctic Region.

In the meantime, as part of your legislative work, you have been involved in issues that are likely to affect the interests of A.P. Moller-Maersk, Esvagt, and Seamall. Examples include the report on “Engaging in energy policy cooperation with partners beyond our borders: A strategic approach to secure, sustainable and competitive energy supply”⁹, and the EU Raw Material Initiative. All three companies would benefit from the diversification of sources and routes of EU energy supplies.

Can you please clarify the following?

- **What do your respective roles in Seamall and Esvagt consist of?**
- **Considering the potential impact of your work as European legislator on the commercial activities of Danske Bank (and A.P. Moller-Maersk in relation to it), Esvagt and Seamall, how does your involvement with these companies fit with your obligations under the provisions of the code of conduct for MEPs?**
- **Which measures have you put in place to ensure that your independence in legislative work is not impacted by your links with those companies and how do you prevent a conflict of interest?**

We look forward to your response to these questions by May 15 2013. Please do not hesitate to add any other clarification in relation to your outside occupations and interests that you wish to highlight.

Yours sincerely

Paul de Clerck, Friends of the Earth Europe, Coordinator of the Economic Justice Programme

Contact: paul@milieudefensie.nl ; +32-4- 94-380-959

Bendt Bendtsen’s Response

⁵ <http://www.maersk.com/Aboutus/Pages/TheMaerskGroup.aspx>

⁶ <http://www.svitzer.com/links.aspx>

⁷ <http://www.esvagt.dk/>

⁸ <http://www.seamall.eu/54-home.html>

⁹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP/TEXT+REPORT+A7-2012-0168+0+DOC+XML+V0//EN>
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPARL%2bPE-483.535%2b01%2bDOC%2bPDF%2bV0%2f%2fEN>



Medlem af Europa-Parlamentet

Paul de Clerck
Friends of the Earth Europe
Mundo-b building
Rue d-Edimbourg 26
1050 Brussels,
Belgium

Brussels 15. May 2013

Dear Mr de Clerck,

Thank you for your letter, dated 30 April 2013, by which you request further information in relation to my declaration of interests, dated 18 September 2012, as Member of the European Parliament.

With regards to your questions on potential conflicts of interests, common sense and a continuous awareness prevails, as it should for all politicians and elected representatives.

I am a strong believer in stringent transparency rules regarding the activities of officials and therefore both my paid and unpaid activities are listed in the declaration on the European Parliament's website.

My declaration of financial interests fulfils the requirements laid down in the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest. I fully comply with the rules of the European Parliament and will continue to do so in the future.

Yours sincerely,

Bendt Bendtsen

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2. Paul Rübzig (Austria)

Paul Rübzig
Member of the European Parliament
Altiero Spinelli Building 08F167
60, rue Wiertz B-1047 Bruxelles
Brussels, 30th April 2013

Dear MEP Paul Rübzig,

We are writing to you in relation to information about occupations and interests that you hold on the side of your mandate of elected representative. Friends of the Earth Europe (FoEE), Corporate Europe Observatory (CEO) and Spinwatch are currently undertaking an analysis of the content of the Declarations of Financial Interest (DoFI) of MEPs in the light of the recently revised code of conduct for MEPs. We are planning to use this analysis for a publication to be released in the coming weeks. We are also considering bringing the information to the attention of the President of the Parliament. In order to ensure that our interpretation of the data currently available is correct, we would like to kindly ask you to clarify some information in relation to your own DoFI and provide us with your view on the information. We will be happy to include the main points of your response to the final publication.

In particular, we would like to ask you for your response on the following points:

Outside remunerated activity

Your DoFI mentions one remunerated activity in Wirtschaftskammern Österreichs (WKÖ). WKÖ is the Austrian Federal Economic Chambers that “represent more than 400,000 member companies” and “as the voice of Austrian business, are committed to forward-looking policies which benefit the economy e.g tax relief, cutting red tape, subsidies”¹⁰. The Chamber also has a representation at the European level through its office in Brussels¹¹, which is in charge of building “alliances” and getting “influence” and “insider information”¹². WKÖ is signed up to the Transparency Register under the category “In-house lobbyists and trade/professional associations” and “Trade, business and professional associations”¹³. In 2010, it declared 13 persons engaged in activities falling under the scope of the Transparency Register for an estimated lobby budget of 900,000-1,000,000 Euros. Therefore, the organisation is involved in lobbying the EU institutions on behalf of companies that have a direct commercial interest in regulations prepared by the European Parliament, of which you are a member.

Your name is listed on WKÖ’s website¹⁴, as a member of the presidency of the industrial division, which is said to represent around 4,000 companies from the Austrian industrial sector¹⁵. According to reports of interviews with the Director of the industrial division, your role in WKÖ is to “report on current developments in Brussels” and “receive important information from industry”, including “no gos”¹⁶.

Can you please clarify the following?

- **What is your exact position within the organisation, and which tasks does it encompass?**

¹⁰ http://portal.wko.at/wk/startseite_dst.wk?dstid=9495

¹¹ http://portal.wko.at/wk/startseite_dst.wk?DstID=272

¹² http://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CCkQFjAB&url=http%3A%2F%2Fwww.smeffit.eu%2FIMG%2Fppt%2FWKO_s_Presentation_140109-2.ppt&ei=5XpAUKuhOo6lhQeXwlG4BQ&usq=AFQjCNHm67q3tG75pV7Iz2fheVrdUDVLMQ

¹³ <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=10405322962-08&isListLobbyistView=true&locale=en#en>

¹⁴ http://portal.wko.at/Utils/Funktionaere/Fkt_Liste.aspx?anqid=0&dstid=234&opennavid=868

¹⁵ Corporate Europe Observatory, “Europe’s resource grab. Vested interests at work in the European Parliament,” June 27th 2011, Brussels

¹⁶ http://corporateeurope.org/sites/default/files/publications/europes_resource_grab.pdf

- **Considering that WKÖ is involved in lobbying at the EU level, how this outside occupation fits with your obligations as set out in the provisions of the code of conduct for MEPs?**
- **Considering the relevance of your work as part of the ITRE, CONT, BUDG committees for WKÖ, which measures you have taken to ensure that your respective roles in these committees and in WKÖ are compatible under the provisions of the code of conduct for MEPs? In particular, can you clarify which measures you have taken to avoid any potential conflict of interests?**

Memberships

Your DoFI mentions several unpaid memberships in the boards of various companies and organizations including the European Energy Forum (EEF), Knowledge for Information (K4I), IV-Vorarlberg (IV), SME Global, the Raw Material Group, or Pro Wels West.

The “Institut für Bildung und Innovation” is an institute created by “Industriellenvereinigung” (IV), the Federation of Austrian Industries and a member of BusinessEurope (which is the main representative of industries at the European level). IV is a “voluntary body representing the interests of the Austrian industry” that aims at “boosting national and European competitiveness”, “making hours and remunerations more flexible”, and that promotes “State and administrative reform” or the modernization of the tax system¹⁷. According to the Transparency Register, topics of interest include competition, economic and financial affairs, energy, environment, research and technology, taxation or trade¹⁸. So the organisation is clearly involved in lobbying on topics that are related to your parliamentary activities.

Can you please clarify:

- **Whether you are individually involved in IV or via one of the companies you hold shares in, and what this membership means in terms of involvement in the work of the organisation?**
- **Considering the involvement of IV in EU lobbying, how your membership in this organisation fits with your obligations under the provisions of the code of conduct for MEPs?**

Outside financial support

Your DoFI mentions that you have received support in terms of staff from WKÖ’s EU Trainee Programme (your website lists one accredited assistant, who is also listed as staff member of the WKÖ Brussels office) and IV.

Can you please clarify the following?

- **What does the financial arrangement with WKÖ and IV respectively consist of?**
- **Considering that both WKÖ and IV are involved in lobbying at the EU level, can you clarify how these staffing arrangements fit with the obligations set out in the code of conduct for MEPs? What measures have you taken to avoid any potential conflict of interest?**
- **Considering that each MEP receives a monthly maximum allowance of 21,209 Euros for their staffing arrangement, can you clarify why this support in terms of staff is provided outside of this channel?**

We look forward to your response to these questions until May 15 2013. Please do not hesitate to add any other clarification in relation to your outside occupations and interests that you wish to highlight.

Yours sincerely,

Paul de Clerck, Friends of the Earth Europe, Coordinator of the Economic Justice Programme
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¹⁷ <http://www.voei.at/bm50>

¹⁸ <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?TRPUBLICID=Sk5gQg1JhBSln1JHG5bsHKpTQbtnVyNyHy721vSLqYsLBLD0dvl854581953?id=89093924456-06&isListLobbyistView=true>

Paul Rübzig Response

Dear Mr. de Clerck,

Thank you for your letter dated 30 April 2013. On behalf of Paul Rübzig MEP, I should forward you the message that he generally supports initiatives improving the degree of transparency in political decision-making. The 'Corporate Europe Observatory' already provided us with an extensive screening in the previous years, but in the end did not find any duly substantiated reasons for reproaches.

Mr. Rübzig would like to give you following answers:

- Mr. Rübzig's declaration of financial interests is in line with the provisions of the Code of Conduct for MEPs with regard to financial interests, as well as conflict of interests. The President of the European Parliament as the competent body verified the declaration without any further question.
- Mr. Rübzig feels accountable to his constituents in Austria, the people who elected him in 2009. He has always openly campaigned for securing the competitiveness of small and medium sized enterprises (SME) and for strengthening Europe and Austria as business locations. These political goals are a pivotal part of his work as an MEP.
- Mr Rübzig thinks that for a democracy it is important to have in elected positions both, career politicians and politicians with specific professional experience and knowledge.
- The Austrian Federal Economic Chamber (WKÖ) is a self-governing body under public law, anchored in the Austrian Social Partnership. The Social Partnership is enshrined in the Austrian Constitution. The WKÖ is set up by federal law (Wirtschaftskammergesetz, BGBl. I Nr. 103/1998 and BGBl. I Nr.3/2012). Every entrepreneur in Austria is by law member of the WKÖ, which is democratically legitimised by public elections every five years. As a blacksmith and hence entrepreneur, Mr Rübzig was repeatedly democratically elected as representative in his branch of business. That is why WKÖ does not fit into your described scheme of lobby groups, but serves specific public purposes which are laid out in Austrian law. Compliance is supervised by the Austrian Federal Ministry of Economy. This is also reflected by the fact that WKÖ has a nomination right for the European Economic and Social Committee.
- The "Institut für Bildung und Innovation" is a registered association (Industriellenvereinigung was not a founder and is not member of the association) with the aim to promote the qualification of all economic actors, e.g. in international projects. Examples are the project "Labour and Disability" in cooperation with the Austrian Federal Social Security Office and the European Social Fund, or the project "Initiative Innovation Summit" in cooperation with the Austrian Federal Ministry for Economy, Family and Youth.
- Mr Rübzig offers young people who participate in rotating trainee programs of WKÖ and "Institut für Bildung und Innovation" to work for a limited period of time in his office to gain professional experience. In the framework of these programs the trainees switch between different working places in the EU institutions and in private companies. A large part of the salary is paid out of Mr Rübzig's budget and the trainees act under the full responsibility and exclusive authority of Mr Rübzig. Mr Rübzig considers this an important contribution to the formation and career of young professionals. This traineeship agreement was transmitted to the Secretary General of the European Parliament, who examined and confirmed the legality of this arrangement.
- The mentioned organisations 'European Energy Forum', 'Knowledge for Innovation', 'SME Global', the 'Raw Materials Group', 'Pro Wels West', as well as others like the 'Intergroup on climate change, biodiversity and sustainable development' or the 'Paneuropean Working Group' serve the purpose to foster public debates in a transparent manner, open to every interested person and organisation. Mr. Rübzig does not pursue any financial interests through his functions in these groups, but tries to engage a broader public into discussing important policy issues.

Best regards,

Thomas Thaler

PS In view of the highest possible degree of transparency, we would kindly ask you to provide us with information about the funding of your organisation. In particular, we would like to know from which exact financial sources the 'European Climate Foundation', the 'Isvara Foundation', the 'James M. Goldsmith Foundation', the 'David and Lucille Packard Foundation', 'Oxfam Novib', 'Miseror', the 'Tides Foundation' as well as 'Rausing' take originally their funding from. Furthermore, we would like to ask you to provide us with a detailed overview of your indicated 'other private funding' and 'other income'.

Mag. Thomas Benedikt THALER, M.A.
Head of Office
Accredited Parliamentary Assistant
to MEP Dr. Paul RÜBIG
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3. Othmar Karas (Austria)

Othmar Karas
Member of the European Parliament
Altiero Spinelli Building 14G102
60, rue Wiertz B-1047 Bruxelles
Brussels, 30th April 2013

Dear MEP Omar Karas,

We are writing to you in relation to information about occupations and interests that you hold on the side of your mandate of elected representative. Friends of the Earth Europe (FoEE), Corporate Europe Observatory (CEO) and Spinwatch are currently undertaking an analysis of the content of the Declarations of Financial Interest (DoFI) of MEPs in the light of the recently revised code of conduct for MEPs¹⁹. We are planning to use this analysis for a publication to be released in the coming weeks. We are also considering bringing the information to the attention of the President of the Parliament. In order to ensure that our interpretation of the data currently available is correct, we would like to kindly ask you to clarify some information in relation to your own DoFI and provide us with your view on the information. We will be happy to include the main points of your response to the final publication.

In particular, we would like to ask for your response about the outside financial support that you receive from third parties. Until 28 March 2013, when your DoFI lastly changed, it was mentioning support in terms of staff granted by²⁰:

- the "Institut für Bildung und Innovation", a body created by "Industriellenvereinigung" (IV);
- the "Wirtschaftskammer Österreich" (WKÖ).

Industriellenvereinigung is the Austrian member of BusinessEurope, the most influential industry lobby group in Brussels²¹. Industriellenvereinigung itself is signed up to the Transparency Register, in which it declares representing the interests of its 4,200 members at the EU level²². WKÖ states that they "represent more than 400,000 member companies. As the voice of Austrian business, we are committed to forward-looking policies which benefit the economy e.g. tax relief, cutting red tape, subsidies."²³ The organisation represents broad business interests: "Every single person who is entitled to operate an independent business venture in crafts and trades, industry, mining, finance, banking and insurance, transport, information and communication, broadcasting, tourism and leisure, as well as other services, is a member of the Federal Economic Chamber under Austrian law."²⁴ WKÖ is signed up to the Transparency Register²⁵ and areas of interest and work of the organisation include banking, insurance as well as financial fiscal and trade policy²⁶ - all of which are falling within your areas of work within the ECON and the IMCO committees.

The ECON Committee, of which you are a member, has voted on many issues that are likely to affect the members of WKÖ and IV. Recent examples include committee votes on regulations of financial markets (financial transaction tax, regulations on derivatives trading), improving access to finance for SMEs, or establishing a common market for mobile payments. Your own involvement within the

¹⁹ http://www.europarl.europa.eu/pdf/meps/201206_Code_of_conduct_EN.pdf

²⁰ The declaration mentioned "one employee as part of the training and continuing education programmes of the Wirtschaftskammer Österreich (WKÖ) and one employee by the Institut für Bildung und Innovation"

²¹ <http://www.businesseurope.eu/content/default.asp?PageID=600>

²² <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=89093924456-06>

²³ http://portal.wko.at/wk/startseite_dst.wk?dstid=9495

²⁴ http://portal.wko.at/wk/format_detail.wk?angid=1&stid=651630&dstid=9495&opennavid=0

²⁵

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do:TRPUBLICID=XD0pQhJQXnh12z7WnT41fhNTJwxPnlbxS7yQ6qntRpFBqIVBtrLJ!1395149453?id=10405322962-08&isListLobbyistView=true>

²⁶ http://portal.wko.at/wk/format_detail.wk?angid=1&stid=502618&dstid=1328

ECON committee is also likely to be of high interest and relevance for WKÖ and IV members. In June 2012, you were appointed rapporteur on the proposal on prudential requirements for credit institutions and investment firms, and you worked on the proposal on the access to the activity of credit institutions and investment firms in May -topics on which It is very likely that WKÖ has undertaken direct lobbying through their Brussels office or indirectly through the European Banking Federation or other representative bodies.

Considering the involvement of WKÖ and IV in lobbying at the EU level, can you please clarify:

- **Whether WKÖ and IV still provide you with support in terms of staff at the time of writing (30 April 2013)? If so, why have they disappeared from your DoFI?**
- **Do you still receive any financial, staffing, or other support from WKÖ or IV?**
- **How have you ensured that your activities as an elected representative fit with the staffing arrangement that you declared with WKÖ and IV until the date of 28th March 2013?**
- **Until the date of 28th March 2013, how have you prevented a conflict of interest under the provisions of the code of conduct for MEPs, while several of your staff members were financed or potentially employed by lobby groups that have an interest in issues that the EP is legislating on?**

Your former declaration did not provide details about the exact arrangement for how the support “in terms of staff” has been granted by WKÖ and IV. Information available online suggested that one of your accredited assistants²⁷ was indeed simultaneously employed by WKÖ in the EU-Coordination department²⁸. This member of staff is currently listed as an EU-Kadett at the WKÖ, with an email address at the European Parliament²⁹. She works in the Stabsabteilung EU-Koordination, which describes its activities explicitly as lobbying (the mission of the department is to provide lobby advice and publish reports serving the Economic Chamber’s interests)³⁰. So, while she is a staff member of WKÖ, this person also was Büroleiterin in your Brussels office (until 28th March)³¹ and still declares an email address at the European Parliament.

Can you please clarify:

- **Whether this person still has a role in your MEP office at the time of writing (29th April 2013)? If not, why is this person still listed on the WKÖ website with an email address at the European parliament?**
- **What, until 28th March 2013, the exact staffing arrangement respectively with WKÖ and IV was? In the case of the member of staff for which support was being granted by WKÖ: was WKÖ paying for the assistant’s salary, or was it making one of its members of staff available to you?**
- **Considering that each MEP receives a monthly maximum allowance of 21,209 Euros for their staffing arrangement, why, until 28th March 2013, were the arrangements for these two staff falling outside of this scheme?**

We look forward to your response to these questions by May 15 2013. Please do not hesitate to add any other clarification in relation to your outside occupations and interests that you wish to highlight.

Yours sincerely

Paul de Clerck, Friends of the Earth Europe, Coordinator of the Economic Justice Programme

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²⁷ http://www.europarl.europa.eu/meps/en/4246/Othmar_KARAS.html

²⁸ http://portal.wko.at/wk/kontakt_person.wk?angid=1&jobid=809686&dstid=6959&name=MMag.%20Andrea%20Steinmetz (lastly accessed 29th April 2013)

http://portal.wko.at/wk/kontakt_dst.wk?dstid=558 (lastly accessed 29th April 2013)

²⁹ http://portal.wko.at/wk/kontakt_person.wk?angid=1&jobid=809686&dstid=6959&name=MMag.%20Andrea%20Steinmetz (lastly accessed 29th April 2013)

³⁰ http://portal.wko.at/wk/kontakt_dst.wk?dstid=558

³¹ <http://www.afa.at/v20130217.pdf>

Othmar Karas Response

Dear Mr De Clerck,

Thank you very much for your e-mail.

As our press officer agreed with you on the telephone, I would like to give more detailed answers to your questions.

First of all I would like to confirm you that indeed there was a mistake in the Declaration of Financial Interest Form on the website of the European Parliament. We are grateful for calling our attention to it. The mistake happened during the upload and we noticed this already two weeks ago (before your letter) and asked parliament's administration in charge to change it. Unfortunately some administrative procedures take a bit of time and therefore you still found the old version online. The correct version of the DoFi has always been on our homepage www.othmar-karas.at.

This document and the DoFi from the years before have always clearly indicated the cooperation with the WKÖ and the "Institut für Bildung und Innovation" in the framework of trainee programs.

Mr Karas offers young people who participate in a rotating trainee program of these organisations to work for a limited period of time in his office to gain professional experience. In the framework of these programs the trainees switch between different working places in the EU institutions and in private companies. A large part of the salary is paid out of Mr Karas' budget and the trainees act under the full responsibility and exclusive authority of Mr Karas. Mr Karas considers this an important contribution to the formation and career of young professionals.

Furthermore, you pointed out correctly that Andrea Steinmetz is not our head of office. Trainees who work for a limited time in our offices are never heads of office. You can see this as well as the composition of our staff on our homepage <http://othmar-karas.at/de/team.php>

Finally, listing Ms Steinmetz as an "EU-Kadett" at the WKÖ website with an email address at the European Parliament is and has always been clearly against the traineeship agreement between Mr Karas and the WKÖ. Ms Steinmetz does neither work for the WKÖ in practical terms nor is bound to it by instructions during her time at the European Parliament. This mistake, which has unfortunately been made by the WKÖ, has been immediately resolved.

If you have any further questions, please feel free to contact us.

Kind regards,

Evangelia Pipergia

4. Klaus-Heiner Lehne (Germany)

Klaus-Heiner Lehne
Member of the European
Parliament
Altiero Spinelli Building
10E205
60 rue Wiertz
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Brussels, 30th April 2013

Dear MEP Lehne,

We are writing to you in relation to information about occupations and interests that you hold on the side of your mandate of elected representative. Friends of the Earth Europe (FoEE), Corporate Europe Observatory (CEO) and Spinwatch are currently undertaking an analysis of the content of the Declarations of Financial Interest (DoFI) of MEPs in the light of the recently revised code of conduct for MEPs. We are planning to use this analysis for a publication to be released in the coming weeks. We are also considering bringing the information to the attention of the President of the Parliament. In order to ensure that our interpretation of the data currently available is correct, we would like to kindly ask you to clarify some information in relation to your own DoFI and provide us with your view on the information. We will be happy to include the main points of your response to the final publication.

In particular, we would like to ask you for response about your remunerated activity at Taylor Wessing outside of your mandate.

Your DoFI mentions one remunerated activity as a lawyer at the international law firm Taylor Wessing, with a declared monthly income of more than 10,000 €. Taylor Wessing is a German law firm that holds several offices outside Germany, including in Brussels with seven employees³². Globally, the law firm employs 900 lawyers, working across 22 offices. Its broad range of practice areas includes banking & finance, commercial agreements, competition, EU and trade, planning and environment or litigation & dispute resolutions³³. It is well known for its expertise on patent law and patent litigation for large companies³⁴, under the practice areas of Patents, IT & Telecoms, and Copyrights & Media laws³⁵. As stated on the law firm's website, Taylor Wessing's patents group is "one of the largest and best known in Europe. Highly experienced in both contentious and non contentious patent matters, we help our clients, based in Europe and internationally, exploit, protect, manage and defend their IP rights (...) Our familiarity with the patent litigation regimes in the key European jurisdictions enables us to devise and adapt the best strategies for our clients Europe-wide"³⁶.

Information available online indicates that as head of the "Regulatory Affairs" department, your role includes advising corporate customers about future directions of EU legislation³⁷. **Can you please clarify what your position within Taylor Wessing is, and which tasks your role encompasses?**

³² As stated on the law firm's website <http://www.taylorwessing.com/lawyers/search/office-brussels.html>

³³ <http://www.taylorwessing.com/home.html>

³⁴ <http://wiki.ffii.org/KlausHeinerLehneEn>

³⁵ <http://www.taylorwessing.com/home.html>

³⁶ <http://www.taylorwessing.com/services/our-practice-areas/patents.html>

³⁷ <http://wiki.ffii.org/KlausHeinerLehneEn>

Several areas of work in which you are involved raise questions about possible interference of your outside activity at Taylor Wessing with your mandate in the European Parliament.

Finance

Taylor Wessing is a member of the European Private Equity and Venture Capital Association (EVCA)³⁸, a Brussels-based lobbying organization³⁹ that aims to “work effectively to make the voice of the European private equity industry heard, and play a central role in the development of the EU legislation that will shape our business in the years to come”⁴⁰. EVCA’s website promotes the role of Taylor Wessing in advising on financial issues, including equity-based and venture capital transactions⁴¹, while Taylor Wessing itself has publicly acknowledged interest for the financial issues EVCA is actively lobbying on: “A market leader in intellectual property and venture capital, the firm also has a strong market presence in corporate finance, private equity, real estate finance, inward investment and technology, media and telecoms.”⁴² EVCA’s lobby efforts against stronger EU financial regulation are well known⁴³. They have included proposals on which you have been involved, such as the 2011 Directive on Alternative Management Fund Managers (AIFM)⁴⁴. This directive was the result of a process started by the own initiative reports of MEP Rasmussen and yourself about hedge funds and private equity industries⁴⁵. While Taylor Wessing was advising clients on the directive, you were involved in its preparation⁴⁶. Besides you have been acting as a rapporteur on several other pieces of regulations likely to be of strong relevance for an international corporate law firm such as Taylor Wessing and its clients: the European Commission proposal on transparency of institutional investors⁴⁷, as well as the European Parliament reports on a European approach to collective redress⁴⁸, and on the Accounting Directives⁴⁹.

Patents

You are recognised as one of the leading experts on patents and intellectual property in the European Parliament. On several instances, you were appointed rapporteur for related draft reports of the JURI committee, such as on Jurisdictional system for patent disputes (January 2012), or the proposal for a Council decision authorizing enhanced cooperation in the area of the creation of unitary patent protection (February 2011)⁵⁰. You have supported patentability and strict enforcement of intellectual property, as illustrated by your vote in favour of the ACTA regulation in June 2012⁵¹ (in contradiction to the position of the EPP group⁵²). At a conference organised by Taylor and IBIL in November 2012, you spoke as a member of the JURI committee on patent unification⁵³.

³⁸ <http://www.evca.eu/toolbox/membersearch.aspx?id=624>. The European Private Equity and Venture Capital Association was established in 1983 in Brussels to “represent and promote the European private equity and venture capital industry”. Members of the board of directors include some of the biggest global investment firms such as TPG Capital LLP, the Riverside Company, GIMV or Hg Capital. More information can be found on <http://evca.eu/>

³⁹ EVCA is signed up to the Transparency Register :

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=60975211600-74&locale=en>

⁴⁰ <http://www.evca.eu/about/default.aspx?id=402>

⁴² <http://www.taylorwessing.com/news-insights/details/taylor-wessing-is-the-sole-legal-sponsor-of-the-evca-venture-capital-forum-on-11-13-october-2006-in-barcelona-2006-10-09.html>

⁴³ <http://www.worstlobby.eu/2010/nominee/aima-evca>

⁴⁴ <http://www.evca.eu/publicandregulatoryaffairs/default.aspx?id=5574>

⁴⁵ <http://www.publications.parliament.uk/pa/ld200910/ldselect/ldcom/48/48we11.htm>

⁴⁶ <http://www.taylorwessing.com/news-insights/details/the-alternative-investment-fund-managers-directive-aifmd-2012-09-13.html> ; <http://www.taylorwessing.com/fileadmin/files/docs/The-Alternative-Investment-Fund-Managers-Directive.pdf>

⁴⁷ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2008-0296+0+DOC+XML+V0//EN> or <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0296+0+DOC+PDF+V0//EN&language=EN>

⁴⁸ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2012-0012+0+DOC+XML+V0//EN>

⁴⁹ <http://www.europarl.europa.eu/document/activities/cont/201204/20120424ATT43837/20120424ATT43837EN.pdf>

⁵⁰ <http://www.votewatch.eu/en/klaus-heiner-lehne.html>

⁵¹ <http://www.votewatch.eu/en/anti-counterfeiting-trade-agreement-between-the-eu-and-its-member-states-australia-canada-japan-the-2.html>

⁵² The EPP group’s official position was to abstain from the vote. See <http://www.theinquirer.net/inquirer/news/2188746/epp-abstain-acta-vote>

⁵³ <http://www.ucl.ac.uk/laws/ibil/docs/standards-2012.pdf>

In the meantime Taylor Wessing advertises being “one of the leading patent litigation firms in Europe”, specifying that they do not “only have current knowledge of the legal decisions, but also are best placed to see the trends and attitudes of the court, in order to provide forward thinking, innovative advice”⁵⁴. In addition, Taylor Wessing’s office in Brussels lists “Intellectual Property law (patents, trademarks, copyrights and information technology)”⁵⁵ in their range of expertise. So it seems that in your MEP role, you are deciding on issues that are of high relevance for and subject of lobby activities by law firm Taylor Wessing in which you have a significant and direct interest.

Lobbying transparency

As regards lobbying transparency and ethics regulation, you were part of a group of MEPs⁵⁶, who tabled an amendment proposing to exclude the “legal advice” provided by lawyers from the report on lobbying transparency⁵⁷ in May 2008. Taylor Wessing, which has an office in Brussels, would have been directly affected by such a regulatory proposal, and the firm has still not signed up to the register at the time of writing⁵⁸.

For all three areas, can you please clarify the following?

- **How have you ensured that your involvement in an organization with a commercial interest in influencing the European Parliament regulations is compatible with your activities of elected representative, in particular in the light of the provisions set out in the MEP code of conduct?**
- **Which measures have you taken to avoid any potential conflict of interests?**

We look forward to your response to these questions by May 15 2013. Please do not hesitate to add any other clarification in relation to your outside occupations and interests that you wish to highlight.

Yours sincerely

Paul de Clerck,

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⁵⁴ <http://www.taylorwessing.com/services/our-practice-areas/patents/patent-litigation.html>

⁵⁵ <http://www.rhtlawtaylorwessing.com/offices/brussels>

⁵⁶ [http://www.europarl.europa.eu/ReqData/commissions/juri/amendments/2007/398469/JURI_AM\(2007\)398469_EN.pdf](http://www.europarl.europa.eu/ReqData/commissions/juri/amendments/2007/398469/JURI_AM(2007)398469_EN.pdf)

⁵⁷ <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDMQFjAA&url=http%3A%2F%2Fwww.aalep.eu%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2FEuropean%2520Parliament-%2520Report%2520on%2520Lobbying-%252002.04.08.doc&ei=cIDbUN-aFpG20QWqgYGYBQ&usq=AFQjCNGGT1nXDMIL8XDpMt2E9h7sooqfxw&sig2=L0oIlkRbBsBj0zK2VFTj5A>

⁵⁸ Taylor Wessing is not the only law firm that has not signed up to the register. Most of the law firms working as lobbyists or consultants in Brussels are still boycotting the Transparency Register.