

Erik Wesselius of the Corporate Europe Observatory argues that the European Public Affairs Consultancies Association is undermining its own credibility by turning on those who argue for greater transparency in EU lobbying



# BLAMING THE MESSENGER?

In their article in October's *Public Affairs News*, the 10 Directors of the European Public Affairs Consultancies Association (EPACA) argued against changing the rules of lobbying in Brussels.

They unfairly portray calls for improved transparency around EU lobbying as "demands for new mandatory restrictions on lobbying of the EU by business." But by discrediting the reasonable demand for external transparency for their profession, the public affairs consultants are only undermining their own credibility.

Unfortunately the article contained several unsubstantiated accusations against Corporate Europe Observatory (CEO), the Amsterdam-based research and campaign group of which I am part. When the EPACA directors accused CEO of "significant distortions of the truth", they did not give one single example. As a watchdog group which has documented a number of cases of questionable lobbying involving EPACA member firms, we don't expect popularity but we do insist on a fair debate based on substance. Jeremy Galbraith, CEO of Burson-Marsteller Brussels, has in the past declined our request for a list of "errors" he claimed to have found in our report about a front group run by his firm on behalf of chemical industry clients. We stand 100 per cent behind all our publications and invite everyone to visit our website and judge for themselves. As we have done in the past, we invite those making allegations to detail them and we will, if appropriate, make any corrections.



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With regards to the real debate on lobbying transparency, I find it very disappointing and deeply unconvincing when I see the Directors of the Brussels offices of Burson-Marsteller, Hill & Knowlton, Fleishman-Hillard, Weber Shandwick and others so strongly rejecting transparency obligations. Their colleagues in Washington DC and Ottawa seem to have absolutely no problems complying with the US and Canadian lobbying transparency rules. In both countries, mandatory registering and reporting by lobbyists has been standard practice since lobbying disclosure legislation was introduced in the mid-1990s.

The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU), a broad coalition of civil society groups of which CEO is a very active member, argues that the EU should learn from these existing lobbying disclosure systems which are based on the entirely sound idea that public scrutiny, enabled by transparency obligations, is an effective way to discourage malpractice. "Sunlight is the best disinfectant", as former US Supreme Court Justice Louis Brandeis said. Although both the US and Canadian systems have their loopholes, they do achieve a degree of external transparency around lobbying which is currently lacking in the EU. The EU institutions are developing legislation for 450 million citizens in 25 member states. An online EU lobbying database, allowing citizens an insight into who lobbies on which issues, and on whose behalf, could help to improve the confidence

and engagement of EU citizens with the EU institutions.

### Ridicule

But the EPACA directors tell us that we should have faith in their "self-regulatory arrangements". There are no substantive concerns or ethics scandals around lobbying in Brussels, so they claim, and therefore there is no need for improved transparency. They ridicule the legitimate concerns about the lobbying practices of the "Campaign for Creativity", a campaign for US-style software-patents run by a London-based consultancy on behalf of undisclosed industry clients. If even this example gets the thumbs-up from the EPACA directors, it does not bode well for the self-regulatory capacity of the sector to avoid misleading and secretive lobbying practices.

The EPACA directors refer to their Code of Conduct and the new process for dealing with complaints, including the creation of a professional practices panel "whose findings would be published". They omit to say that the EPACA Code of Conduct lacks any form of external transparency obligations. Self-regulatory arrangements to improve professional ethics are welcome, but they can never be an argument against an EU lobbying disclosure system.

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