

The conflicting interests of Rolf Linkohr Energy industry lobbyist and special adviser to the EU Energy Commissioner

Corporate Europe Observatory background paper, January 2007

On January 16th CEO wrote an open letter to Energy Commissioner Piebalgs expressing concern about the fact that Rolf Linkohr “at the same time directs a commercial lobbying consultancy and acts as a special adviser to the Energy Commissioner”. The following text provides further information about Mr. Linkohr’s activities as a lobbying consultant for large energy firms.

From EEF to C.E.R.E.S

In 2005, former MEP Rolf Linkohr established the consultancy ‘Centre for European Energy Strategy’ (C.E.R.E.S.), whose clients are large energy corporations. On the website of the consultancy, Mr. Linkohr presents himself as a special adviser to the Energy Commissioner Andris Piebalgs.

Mr Linkohr eagerly advertises his status as special adviser to the Energy Commissioner, for example when speaking at conferences across Europe. His advisorship is also highlighted on his personal website and on the website of the conference ‘Europe Invest Again in Nuclear Energy’ which C.E.R.E.S co-organised in November 2006. [1]

Throughout his time as a member of the European Parliament (from 1979 until 2004), Linkohr played an active role in parliamentary committees responsible for energy issues.[2] During his twenty-five years as an MEP, Linkohr developed close relations with European energy corporations. An important platform that allowed Linkohr to establish and maintain such relations was the European Energy Forum (EEF), which he presided from 1994 to 2004. The EEF is an influential business-MEP forum focused on energy issues. The EEF is fully funded by its corporate membership which includes the largest corporations active in the energy sector [3]. To a large extent, these corporate members determine the EEF’s agenda. [4] The EEF’s farewell dinner, when Mr Linkohr stepped back as president in 2004, was sponsored by EnBW, a company with many nuclear activities and based in Linkohr’s home region of Baden-Württemberg.

Nuclear energy has over the last years been a major focus for the European Energy Forum; nuclear industry firms have organised and sponsored numerous EEF events. More than twenty such events, including many visits to nuclear sites organised by nuclear companies, took place during Mr Linkohr’s presidency. After he resigned from the European Parliament (and the EEF), Rolf Linkohr has only further intensified his work in defence of nuclear energy. In 2005 and 2006, he participated in major debates bringing together nuclear industry representatives and European decision-makers. [5] During a public debate in France on the EPR reactor in Flamanville, Linkohr clearly supported the position of nuclear giant EDF. [6] The first major event organised by C.E.R.E.S. was the conference ‘Europe Invests Again in Nuclear Energy’ in Berlin, in which all the major European nuclear players took part.

Conflicts of interest

Linkohr’s double functions as a lobbying consultant working for energy firms and the Energy Commissioner’s special advisor causes very significant conflict of interests. C.E.R.E.S.’ corporate clients can be expected to receive advice from Mr Linkohr and his colleagues about how to advance their commercial interests vis-a-vis EU energy policies. Providing such advice and analysis is likely to be Mr Linkohr’s main source of income. At the same time,

Linkohr is supposed to provide the Energy Commissioner with advice about how to shape EU energy policies to serve the public interest. The mixing of roles also seems to be at odds with the European Commission's staff regulations, which apply 'by analogy' to the Commissioners' advisors. The staff regulations provide that "An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever". [7] According to these rules, moreover, "an official shall carry out his duties and conduct himself solely with the interests of the Communities in mind". It is hard to imagine that providing commercial lobbying consultancy services for energy firms can be convincingly be combined with providing the Energy Commissioner with unbiased advice.

For attracting corporate clients, Mr. Linkohr's status as adviser to the Energy Commissioner is obviously a major asset. A very relevant question is who Mr Linkohr's clients are. When we contacted the C.E.R.E.S. secretariat concerning their sources of funding, they told us that they work on the basis of contracts with companies that deal with energy. "We are not a non profit organisation like other think tanks", they added. [8] They refused to specify the names of those companies, saying they are "not obliged to do so".

Transparency obligations needed

C.E.R.E.S. and other lobbying consultancies indeed currently face no obligations to disclose the names of their clients. C.E.R.E.S. left no doubt that as long as there are no transparency obligations, they will not disclose their clients. This is another indication that a voluntary approach to lobbying disclosure under the European Transparency Initiative, on which the European Commission expected to present final plans in March, will not be sufficient.

Notes:

1. See: Centre for European Energy Strategy website, Rolf Linkohr's personal website, conference website for the conference 'Europe Invest Again in Nuclear Energy'.
2. 1979 – 1984: Committee on Energy and Research, 1984 – 1994: Committee on Energy, Research and Technology, 1994 – 1999: Committee on Research, Technological Development and Energy, 1999 – 2004: Committee on Industry, External Trade, Research and Energy, 2004 – 2009. Source: Page on Linkohr, European Parliament website, accessed 16 January 2007.
3. Among EEF industrial members are: BP, ExxonMobil, Total, Areva, Shell, EDF, BNFL, TVO, Vattenfall, EoN, EnBW, RWE, Siemens, ENEL. Source: List of 'associate members' on the EEF website.
4. In a letter before the European elections of 2004, Jean-Claude Charrault, General Director of the EEF and former head of the nuclear policy division of DG TREN said: "the European elections in mid-June 2004, will soon bring us face to face with a population of MEPs around 70% of whom will be newly appointed to their roles" adding that: "the momentum [of EEF] depends first and foremost on the initiatives of our industrial members." Source: The EEF and the European elections, Jean-Claude Charrault, *EEF Newsletter*, 31 May 2004.
5. See the list of speeches and articles on Linkohr's personal website.
6. Commission Particulière du Débat Public, Débat public EPR « Tête de série » Strasbourg, le 16 janvier 2006.
7. Articles 123 and 124 in Title VI of the Conditions of employment of other servants of the European Communities (1.05.2004) state that Articles 11 and 11a of the Staff Regulations apply "by analogy". As external advisers are a very different category it seems far from ideal to apply the same set of rules for Commission officials by analogy. In effect this means there are currently no clear rules about the rights and obligations of external advisers.
8. Telephone conversation between Yiorgos Vassalos (CEO) and C.E.R.E.S. secretariat, 21 December 2006.