



High Authority  
for transparency  
in public life



JUNE 9, 2022 CONFERENCE

# ETHICS & TRANSPARENCY: WHICH TOOLS TO ENSURE CITIZENS' TRUST?

## SUMMARY

# Opening

The High Authority for Transparency in Public Life organised a conference on June 9th, 2022 as part of the French presidency of the European Council, on public integrity, the prevention of conflicts of interest, and the regulation of lobbying. Bringing together 120 participants, the rich exchanges of the day allowed to compare the points of view of regulators from all over Europe, public officials and actors of French public life, high-level interest representatives, and also academics and civil society stakeholders, on topics essential to public governance.

At the opening of the conference, Didier Migaud, President of the High Authority, underlined the importance of discussions between the authorities of the Member States on questions of public integrity, as well as the constant effort of vigilance and pedagogy that public ethics requires. He explained the French system in terms of control of declarations of interests and assets of more than 17,000 public officials, control of mobility between the public and private sectors ("revolving doors") of around 20,000 public officials, and the regulation of the activity of interest representatives in France.

***"The rule of law should never be taken for granted [...] it implies the existence of watchdogs"***

**Didier MIGAUD**

Věra Jourová, Vice-president of the European Commission, in charge of values and transparency, then detailed her work to maintain the trust of European citizens in public officials, through the fight against disinformation, the transparency register of the Union or the conference on the future of Europe. The Vice-President referred to the rules on the declaration of interests and assets which apply to officials of the European institutions and members of the Commission, as well as the control of their mobility between the public and the private sector. She also referred to the discussions about the creation of an independent interinstitutional ethics body.

***"Transparency and good governance depend on the development of channels that promote the expression of citizens and their points of view"***

**Věra JOUROVÁ**



Emily O'Reilly, then spoke about her experience as the European Ombudsman, a role in between the public administration and the citizen. She underlined the strong expectations of citizens in terms of access to documents, particularly during the pandemic. Emily O'Reilly discussed the findings of her revolving doors inquiry at the European Commission and those underway at the European Central Bank and the European Investment Bank. The Ombudsman gave her support to any initiative to improve the responsibility of the institutions about revolving doors for officials of the European Union, regarding the project for an interinstitutional ethics body.

***"Transparency creates the conditions for trust"***  
**Emily O'REILLY**

Věra Jourová, Emily O'Reilly, and Didier Migaud then debated on the theme of "Is transparency a necessary condition to strengthen citizens' confidence in institutions?". They discussed the ways to strengthen this trust, such as greater use of the permanent representations of the Commission in the Member States to communicate with citizens, greater collaboration with national ministers to explain the European policies of which they are co-creators, or the control of the movement of former members of the Commission to the private sector, which can potentially damage the reputation of the institution.

Didier Migaud underlined the importance of independent authorities such as the High Authority and the evolution of citizens' expectations. The Vice-President explained the methodology of the annual report on the rule of law of the European Commission, accompanied for the first time in 2022 by recommendations addressed to the Member States. Regarding the project of an interinstitutional ethical body, she stressed the need to respect the specificities of each European institution. The Ombudsman insisted on the importance of this body having real capacities to carry out its evaluations if it were to be created. ■

## FIRST PANEL

# How to prevent conflicts of interest in the public sphere?

The first panel, introduced by Jean-Marc Sauvé, Honorary Vice-President of the French Council of State, focused on the prevention of conflicts of interest. Mustapha Mekki, professor of law at the University of Paris 1 Panthéon-Sorbonne, then moderated a debate. The discussion brought together Françoise Tulkens, former vice-president of the European Court of Human Rights and co-president of the Belgian Federal Ethics Commission, and Georgeta Luminata Nicolaie, director of the Office of investigation and discipline of the Directorate-General for Human Resources and Security of the European Commission.

*"Whether we rejoice or deplore it, the contemporary exercise of public power multiplies the risks of undue interference between the public good and private interests"*

Jean-Marc SAUVÉ

Jean-Marc Sauvé first spoke about the attempts to prevent breaches of integrity, and the successive advances obtained in terms of public ethics, in particular in response to the Cahuzac scandal of 2013. He drew up a history of the notion of public ethics while advocating for the extension of a culture of public integrity in the future.



Françoise Tulkens explained the missions of the Belgian Federal Ethics Commission, the resistance encountered to its first opinions, and the need for media coverage of the Commission's work.

*"Trust is not a given, but an achievement.  
This means we have to build it and win it"*  
Françoise TULKENS

Georgeta Luminata Nicolaie presented the operating of the Office of investigations and discipline of the European Commission, emphasizing the search for a fair balance between the definition of preventive rules and respect for freedom of enterprise in the control of revolving doors by the European Commission.

*"Ethics is doing the right thing, even when  
no one is watching"*  
Georgeta LUMINITA NICOLAIE

The panellists also discussed the cooling-off periods with restrictions on the exercise of new functions following the end of public responsibilities. They debated the emergence of a law of prevention which sanctions breaches of preventive obligations and the opportunity for ethics authorities to have the power of administrative sanctions. ■

## SECOND PANEL

# The regulation of lobbying in the European Union and its Member States: existing frameworks and prospects

The second panel of the day, which focused on the regulation of lobbying, was introduced by former Prime Minister Bernard Cazeneuve. A debate then took place between Patrick Lefas, President of Transparency International France, Maria Olivan Aviles, Coordinator of the European Union Transparency Register, and Gemma Calvet i Barot, Director of the Barcelona Transparency Authority, moderated by Julio Bacio Terracino, Head of the Public Sector Integrity Division at the Organisation for Economic Co-operation and Development (OECD).

*"It is through the light it sheds on them that transparency makes it possible to ensure that ethics presides over public behaviours"*

**Bernard CAZENEUVE**

Bernard Cazeneuve presented the action taken by France and the European Union in terms of regulating the activities of interest representatives. Recalling the context of the crisis of confidence in which these integrity systems were established in France and abroad, he mentioned the opportunity to set up a mechanism regulating lobbying at the level of the European Union as a whole. Such a mechanism would allow fair treatment of all companies in the internal market. Finally, he mentioned the necessary balance in the degree of transparency in order to preserve public officials' freedom, while stressing the importance of providing authorities such as the High Authority with full means to exercise their powers.

*"Our goal remains the fight against corruption above all"*

**Patrick LEFAS**

Patrick Lefas highlighted the new forms of interest representation, in particular through digital tools and indirect influence campaigns. He mentioned the necessary transparency of the funds allocated under the recovery plan and the need to define harmonized rules of the game at the European level. He also mentioned the usefulness for civil society of reusing the public data available on the High Authority's registry and the open agendas at the European level. Finally, he questioned the relevance of certain choices made in France; in particular the frequency of declarations, and the means of monitoring registrants and sanctions.

***"We favour a flexible approach"***  
**Maria OLIVAN AVILES**

Maria Olivan Aviles insisted on the legitimacy of interest representation to make a public decision based on facts, by listening to the stakeholders. Her speech highlighted the progress resulting from the revision of the European Union's transparency register. She mentioned the now more flexible definition of lobbying, the inclusion of the European Council, the influence of third countries outside the European Union, and the increased information on the financial resources of the entities registered in the register.



Gemma Calvet i Barot recalled the importance of enforcing the rules in terms of transparency, and of developing an objective science of transparency and integrity. She presented the ongoing discussions about a lobbying law in Spain and traceability requirements in the allocation of European stimulus packages.

***"We need to develop a science of transparency and integrity"***  
**Gemma CALVET I BAROT**

The President of the High Authority, Didier Migaud, closed the day's discussions which drew up a European panorama of the tools of public integrity at the service of trust. Recalling the need to legislate following some thoughts on the topics of integrity and anti-corruption and not always in reaction to scandals, Didier Migaud announced the creation of a European network for public ethics, gathering national authorities of the Member States of the European Union. ■

# The European Network for Public Ethics

On June 10<sup>th</sup>, 2022, 11 authorities adopted a [joint declaration](#) and created the European Public Ethics Network.

Intended to promote public ethics and transparency, this network will establish a regular exchange between its members and give greater visibility to these subjects within the European Union. Its objective is to bring together the authorities of the EU Member States on these issues and to become the privileged interlocutor of the European authorities in matters of public integrity.

In addition to the French High Authority, members of the network are the public ethics authorities of the following countries: [Austria](#) (Federal Bureau of Anti-corruption), [Belgium](#) (Federal Ethics Commission), [Croatia](#) (Commission on Decision on Conflicts of Interest), [Spain](#) (Office of Conflicts of Interest of the Ministry of Finance and Public Service), [Italy](#) (National Anti-Corruption Authority), [Lithuania](#) (Chief Official Ethics Commission), [Malta](#) (Commissioner for Standards in Public Life), the [Czech Republic](#) (Conflicts of Interest and Anti-Corruption Department of the Ministry of Justice), [Romania](#) (National Integrity Agency) and [Slovenia](#) (Commission for Prevention of Corruption).

