

[VREDESACTIE]



To Mr. Borrell
Head of the Agency
European Defence Agency

To Mr. Šedivý
EDA Chief Executive
European Defence Agency

Brussels, 20 January 2021

RE: Authorization granted by the EDA to Mr. Domecq to take up a position with Airbus Defence

Dear Mr. Borrell, Mr. Šedivý,

In August 2020, authorization was granted by the authority authorised to conclude contracts (AACC) to the former CEO of the European Defence Agency, Mr. Domecq, to take up a position as Head of Public Affairs and Strategic Advisor with Airbus Defence and Space.

We believe that the EDA has failed to implement the staff regulations, thereby threatening the independence of its own policy-making and potentially favouring a private company that has a history of lobbying the EDA and benefits from EDA financial grants. Further, this case has exposed several weaknesses in EDA's staff regulations which should be addressed to prevent such cases from re-occurring.

There is an inherent risk of conflict of interests in the former Director's new role. Mr. Domecq will in the capacity as Head of Public Affairs not only engage with public stakeholders, but also contribute to *"the strategy that will be approved by the leadership of the global group in all areas, worldwide as well as NATO, EU or individual countries in Europe or beyond."* Although Mr. Domecq claims his duties will be limited to Spain, he also admits that he will, *"have occasional contacts with senior representatives of other countries and organisations (including EU) beyond Spain."*¹

Three conditions accompanied the authorization of the EDA to Mr. Domecq:

- Mr Domecq should not have contacts with EDA staff for the purpose of lobbying or advocacy on matters for which he was responsible as Chief Executive of EDA (until 31/01/2021);
- Mr Domecq should remove himself from any Airbus decision or task which concerns EDA activities in order to avoid any perceived or real conflict of interests (until 31/01/2022);
- Mr Domecq should abstain from contacts with the Airbus Brussels office for matters which concern EDA (31/01/2022).

These conditions are not sufficient to address the potential conflicts of interest arising from this move. Further, these conditions are not even in line with EDA Staff Regulations that apply in this case, particularly Article 18.

¹ See documents released under a Freedom of Information request on 27/11/2020 – https://www.asktheeu.org/en/request/authorisation_requests_jorge_dom#incoming-29155

Referring to senior officials, Art. 18 of the EU Staff Regulations states that the appointing authority, in this case the AACC, “shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of the Agency for their business, clients or employers on matters for which they were responsible during the last three years in the service.”

The credibility and practical feasibility of the conditions set by the EDA are also unrealistic and undermine how Art. 18 should be adhered to, for the following reasons:

- The EDA supports the development of defence capabilities of EU member states, stimulates defence research in order to strengthen the European defence industry and as such acts as a central operator with regard to EU funded defence-related activities.² In that capacity, the EDA provides funding to defence companies. [Airbus is one of the companies which has received funding from the EDA.](#)
- Airbus has a history of lobbying the EU institutions, including the EDA.³ With an annual budget of almost two million euros a year and the second highest amount of meetings with high level officials of the European Commission, Airbus is one of the most prominent EU lobbyists.⁴
- Moreover, the defence industry in general and Airbus in particular has very close relationships with governmental stakeholders. Something which is also admitted in the assessment of Mr. Domecq’s move to Airbus: “*The specific nature of the defence sector, in particular the strong links between the company and its governmental shareholders must also be considered in the context of this assessment.*” This is especially pertinent as the EDA is an intergovernmental agency and the EDA policies are set out by Member States through the Steering Board.
- As such, it is the EDA’s own assessment that this situation might lead to a conflict of interest: “*it is EDA’s assessment that whilst there is no evidence that by joining Airbus Mr Domecq has put himself in a situation which would per se constitute a conflict with the legitimate interests of the Agency, this situation could de facto lead to such a conflict.*”

Additionally, the move of Mr. Domecq to Airbus is especially problematic as Mr. Domecq acted in breach with article 18 para 2. of the EDA staff regulations. Even before he received authorization, Mr. Domecq took up his new employment with Airbus. By doing this Mr. Domecq effectively undermined the authorization procedure. Moreover, the EDA never took this breach into account in the authorization procedure.

While the documents provided by the EDA through a Freedom of Information request make mention of a disciplinary measure in the form of a warning, it is unclear if the EDA indeed took this kind of disciplinary action. We therefore ask if the EDA can elaborate on the specific actions they have taken in response to the breach by Mr. Domecq of article 18 para 2. of the EDA staff regulations?

2 Mission – European Defence Agency – <https://eda.europa.eu/Aboutus/Missionandfunctions>

3 See https://www.eda.europa.eu/docs/default-source/eda-publications/eda_10years & <https://www.alter-eu.org/corporate-capture-in-europe-when-big-business-dominates-policy-making-and-threatens-our-rights-0>

4 See <https://www.integritywatch.eu/>

Considering these circumstances, it is clear the EDA should never have granted authorization to Mr. Domecq to take up this job. We now ask the EDA to reexamine the case. First of all, the EDA should extend the deadline of the condition that Mr. Domecq cannot engage in lobbying activities towards the EDA staff. This condition ended at 31/01/21, but we believe should be extended at least with another year until 31/01/2022. Additionally, all staff members of the EDA should be informed to not be in contact with Mr. Domecq during this period of time.

Furthermore, we believe the procedures in place are largely insufficient and the EDA should now bring its policies in line with the following recommendations⁵ made by the European Ombudsman:

1. For the future, the EDA should, where necessary, invoke the option of forbidding its senior staff from taking up certain positions after their term-of-office. Any such prohibition should be time-limited, for example, for two years.

2. To give clarity to senior staff, the EDA should set out criteria for when it will forbid such moves in future. Applicants for senior EDA posts should be informed of the criteria when they apply.

Additionally we ask the EDA to consider bringing article 147 (2) of the EDA Staff Regulations in line with those of other EU agencies; and include the possibility of withholding an amount of the retirement pension when a member of staff acts in breach with the EDA staff regulations.

We appreciate a response explaining EDA's view at the earliest.

Sincerely,

Bram Vranken
Campaigner
Vredesactie
bram@vredesactie.be

Laëtitia Sédou
EU Project Officer
ENAAT
laetitia@enaat.org

Margarida Silva
Campaigner/Researcher
Corporate Europe Observatory
margarida@corporateeurope.org

5 See European Ombudsman case 56050 – <https://www.ombudsman.europa.eu/en/case/en/56050>