

Cabinet of the President
Head of Cabinet

Ms Vicky Cann
Corporate Europe Observatory

D 200155 17.01.2024

Dear Ms Cann,

I refer to the conversation that you initiated on 4 April 2023 in the context of a complaint regarding a Member of the European Parliament related to an allegedly undisclosed conflict of interest in the still ongoing file on Corporate Sustainability Due Diligence. That message received a reply by a member of the President's cabinet on 21 April 2023 and, subsequently to your follow-up questions, again on 23 May 2023. In order to complete clarifications on the applicable procedure and the proposals to change it that were being discussed at the time, a Zoom meeting was set up with you and, at your request, representatives of three other entities, namely, Nina Katzemich (Lobby Control); Olivier Hoedeman (Corporate Europe); Paul de Clerck (Friends of the Earth - Europe) and Nick Aiossa (Transparency International). The meeting took place on 15 June 2023 and lasted for approximately one hour.

I also refer to the message that Mr Nick Aiossa sent to the President and to all five members and two reserve members of the Advisory Committee on 28 June 2023 with a similar complaint regarding a different Member.

We have received a letter by the European Ombudsman dated 19 December 2023 stating that you have submitted a complaint regarding the handling of your messages referred to above.

In our reply dated 23 May 2023, omitted from your complaint, we wrote that "(...) any possible exchanges between the President and the Advisory Committee or any confirmation of such exchanges on specific cases remain confidential. I can, however, inform you that Parliament is in the process of amending the rules of the Code of Conduct, aiming at more clarity on the definition of conflicts of interest of Members and at enhanced disclosure obligations for Members."

I understand that the refusal to provide you with the information on individual cases that you demanded was not satisfactory for you, but such refusal was communicated to you in a reasoned manner, and it was in line with the applicable framework at the time and the existing practice. Prior to September 2023, the Advisory Committee worked on the basis of internal referrals by the President (or requests for clarifications by individual Members) and such referrals have remained undisclosed to the public, in the understanding that the publicity of the referral could, regardless of the outcome, be damaging for the Member concerned. There were no specific rules on the receipt to complaints by lobbyists or representative associations either, but they were assessed nevertheless. We informed you that your complaint was being assessed but that you would not be informed of the eventual subsequent steps.

In addition to the written exchanges, a member of the President's office had a dedicated meeting with you and the persons that you deemed relevant. It is my understanding that he explained to you that, while he could not discuss or comment on the individual cases, the rules were in the process of changing with a view to establish additional ways for the Advisory Committee to initiate a file, so that in the near future it would be possible to bring directly to the attention of the Advisory Committee cases such as the ones that you are concerned about.

In our view, this handling of your submission has been consistent with Article 22(3) of the Code of Good Administrative Behaviour¹, since you were informed that the information could not be disclosed, as well as with its Article 10(1)², since the reply was in line with the existing practice. What is more, beyond the practice, a member of our team warned you of the likely upcoming changes that would be relevant for your interests.

The envisaged changes that the member of the President's cabinet mentioned to you during the remote meeting of 15 June 2023 came to life as predicted, both in terms of substance and in terms of timing. On 13 September 2023, plenary adopted an amended Code of Conduct regarding Integrity and Transparency, which includes a new subparagraph 4 to Article 10(5), which reads: "Alleged breaches of this Code of Conduct may be signalled directly to the Advisory Committee, which may assess them and advise the President on possible action to be taken." This provision is now fully in force and at your disposal.

Yours sincerely,



Leticia Zuleta de Reales Ansaldo
Head of President's Cabinet

Encl: Email chain from 4 April to 30 May 2023
Remote meeting invitation

¹ *If an official may not disclose the information requested because of its confidential nature, he or she shall, in accordance with Article 18 of this Code, indicate to the person concerned the reasons why he or she cannot communicate the information.*

² *The official shall be consistent in his or her own administrative behaviour as well as with the administrative action of the institution. The official shall follow the institution's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case. Where such grounds exist, they shall be recorded in writing.*