



5 October 2015

Alexander Italianer
Secretary General
European Commission
Rue de la Loi 200
1049 Bruxelles, Belgium

Dear Mr Italianer,

Mr Guy Lentz and the Commission's conflicts of interest assessment

I am writing to make a complaint about the Commission's handling of the possible conflicts of interests of Commissioner Cañete's special adviser Guy Lentz.

As you will know, the Commission should examine any special adviser candidacy for any “personal interest such as to impair his independence or any other conflict of interest”.

I note that the statement of assurance relating to Mr Lentz's appointment as a Commission special adviser says: “In the framework of his mandate as Special Adviser, Mr Lentz will not deal with matters which concern specifically Luxembourg or in which the Luxembourgish Government has a particular interest”. This seems to relate to Mr Lentz's role at the department of energy within the ministry of economy in Luxembourg.

However, I was very surprised that this statement of assurance does not also reflect upon the Mr Lentz's paid membership of the board of Enovos Luxembourg, which he declares in his declaration of activities.

Enovos is the biggest energy distribution company in Luxembourg and it says it is now taking up the position of “one of the major players on select energy markets in Western Europe”. Enovos Luxembourg also operates in Germany, France and Belgium, and it generates electricity, natural gas and renewable energy for commercial and household consumers. In 2014, its net turnover was €1,777.4 million.

Enovos Luxembourg is wholly owned by Enovos International, which acts as an umbrella for the network manager Creos Luxembourg. According to its website, Enovos International is owed 33 per cent by the Luxembourg state and city, while subsidiaries of E.ON, RWE Energy, GDF Suez and Ardian own more than 55 per cent of Enovos International between them. As you will know, E.ON, RWE and GDF Suez are all significant EU lobbyists on climate and energy matters.

It is clear that there is a significant overlap between the interests of Enovos and the work of Commissioner Cañete and his team. Mr Lentz's special adviser role is described as "General assistance to the Commissioner on energy issues". This is very broad and it is hard to believe that the issues of electricity generation, natural gas and / or renewable energy (which are all of strategic importance to Enovos Luxembourg and the wider group) would not come up. Additionally, the Energy Union is one of the priorities of the present Commission, including the liberalisation of the energy market. Commissioner Cañete is one of the main policy-makers on the Energy Union and he is also responsible for new electricity market design, amongst other topics.

Furthermore, the role of special adviser undoubtedly gives Mr Lentz direct and unfettered access to the Commissioner, his Cabinet, and other parts of the Commission, while at the same time he is a member of the board of a significant EU energy company, which is co-owned by several major energy multinationals.

The Commission has a responsibility to be vigilant and to guard against possible conflicts of interest arising when appointing new officials, including special advisers. In our view, a conflict of interest is not necessarily a person's actual behaviour, but instead a situation in which the public official has private-capacity interests which could improperly influence the performance of his official duties and responsibilities.

I consider that the Commission should have reflected upon Mr Lentz's board membership of Enovos and should have put in place restrictions to prevent any possible risk of conflicts of interest from arising. The Commission's restrictions on Mr Lentz's work as they pertain to Luxembourg, do not prevent the risk of possible conflicts of interest arising from his board membership of Enovos Luxembourg, considering its commercial interests in the energy market in Luxembourg, but also in other EU countries too, as well as its ownership.

There should have been consideration by the Commission as to whether it was even appropriate for a board member of such a corporation to be a special adviser to a commissioner with clear responsibility for climate change and energy issues.

I consider that the Commission's lax approach to possible conflicts of interest in this case constitutes maladministration and I look forward to hearing from you on this matter.

Yours sincerely,



Vicky Cann
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