



**Joint Transparency Register  
Secretariat**



Brussels,

[REDACTED]  
FTI Consulting

*Sent only by email to:*

*with copy to:*

Ref.: TR-C-2019-85 and TR-C-2019-87

Dear [REDACTED],

On 1 and 3 April 2019, the Joint Transparency Register Secretariat (JTRS) received two complaints against FTI Consulting, registered in the Transparency Register under ID number: 29896393398-67. The first complaint was submitted, in a personal capacity, by the Member of the European Parliament (MEP) Xavier Benito Ziluaga and the second one on behalf of the Friends of the Earth Europe (FOEE), alleging that FTI Consulting has breached points b), f) and g)<sup>1</sup> of the Transparency Register Code of Conduct.<sup>2</sup>

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<sup>1</sup> *'In their relations with EU institutions and their Members, officials and other staff, interest representatives shall: [...]*

*b) not obtain or try to obtain information or decisions dishonestly or by use of undue pressure or inappropriate behaviour;'*

*f) in general, respect and avoid any obstruction to the implementation and application of, all rules, codes and good governance practices established by EU institutions;*

*g) not induce Members of the institutions of the European Union, officials or other staff of the European Union, or assistants or trainees of those Members, to contravene the rules and standards of behaviour applicable to them;'*

<sup>2</sup> [http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=CODE\\_OF\\_CONDUCT](http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=CODE_OF_CONDUCT)

In support of the allegation relating to **point b)** of the Code of Conduct, MEP Ziluaga claims that:

*'In the email attached, FTI Consulting requests an interview on Eurogas. In addition, it is specified that: "For each response Eurogas will donate €50 to UNICEF." To my understanding, this constitutes a breach of the Code of Conduct for lobbyists, in particular Annex II, article b) [...]. By mentioning that Eurogas will give money to UNICEF, FTI Consulting and Eurogas believe that this will have an impact on the willingness of the MEP to meet with them, as it will give the MEP a 'feel good' moment.'*

MEP Ziluaga concludes that:

*'This can be considered as giving an immaterial gift to the MEP to influence his behaviour, which is inappropriate. Therefore, I ask you to take the appropriate measures to sanction FTI Consulting and Eurogas and prevent this type of practices.'*

In support of the allegation relating to **point b)** of the Code of Conduct, FOEE further claims that:

*[...] 'by contacting MEPs and offering to donate money to Unicef in exchange for meetings, FTI Consulting - acting on behalf of Eurogas - breached the code of conduct. They indeed tried to obtain information (or did obtain if they managed to meet with some MEPs) by use of inappropriate behaviour. By offering to donate money to Unicef, if MEPs met with them, FTI put pressure on MEP by introducing a monetary dimension to the interaction. The choice of donating money to UNICEF adds even more confusion to Eurogas and FTI Consulting's intention as promoting the use of fossil fuels has very little to do with the protection of children's rights.'*

In support of the allegation relating to **point f)**, FOEE claims that:

*FTI Consulting [...] 'did not respect the implementation of code and good governance practices by persuading MEPs with donations in exchange for meetings. If [FTI Consulting] didn't intend to use the donations as a way to persuade and influence MEPs, there was no reason for FTI to mention the donation in the first place.'*

In support of the allegation relating to g) of the Code of Conduct, FOEE claims that:

*'FTI Consulting - acting on behalf of Eurogas - breached point g of the code of conduct by inducing MEPs to contravene the rules and standards of behaviors applicable to them. Indeed, MEPs should not meet with lobbyists for any kind of compensation. Even if in this case, the compensation is not given to the MEP directly, the donation to UNICEF is still linked to a meeting with an MEP, which involved them in the money exchange indirectly and therefore pushes them to contravene to the standards of behavior.'*

FOEE concluded that:

*'This behaviour is unethical and damaging to other interest groups. Introducing a financial dimension to lobby interactions leads to a dangerous path and a lack of sanction from the transparency register's services will set a precedent therefore potentially leading to others doing the same. Given the emails received by MEPs the non-compliances were completely intentional, clearly stating « For each response, Eurogas will donate €50 to UNICEF »'.*

As regards the alleged breach of **points f) and g)**, the JTRS, after a thorough analysis of the complaint, did not consider it admissible on these grounds. However, it finds the complaint admissible on the grounds of alleged violation of **point b)** of the Code of Conduct. In fact, the JTRS sees enough reasons to examine the propriety of trying to influence a politician's decision whether or not to accept a meeting invitation by highlighting an intention to grant a monetary donation to a third party.

The JTRS would like to underline that while it respects the freedom of interaction of interest representatives and their right to contribute to a diversity of views in the political process, such activities need to be carried out in accordance with the Code of Conduct, which the registrants in the Transparency Register have committed to abide by in their relations with the EU institutions.

Moreover, where an intermediary represents clients professionally, it has accepted to act in compliance with the Code of Conduct laid down in Annex III of the Interinstitutional Agreement (IIA) on the Transparency Register and, where relevant, to list any professional Code of Conduct by which it is bound (FTI Consulting is also bound by the Codes of Conduct of EPACA and SEAP, according to its registration in the Transparency Register).

Although not directly related to this complaint, the EPACA Code stipulates that public affairs practitioner shall 'neither directly nor indirectly offer or give any financial inducement to any elected or appointed public official, or staff of their institutions and political groups,'<sup>3</sup> with a similarly worded provision in Article 1.3 of the SEAP Code of Conduct.<sup>4</sup> In light of the above, the JTRS considers that the elements brought to its attention merit an investigation in order to determine whether a breach of point b) of the Code of Conduct has occurred.

The view of the complainant is that FTI Consulting by '*offering to donate money to Unicef, if MEPs met with them, FTI - acting on behalf of Eurogas aisbl - put pressure on MEP by introducing a monetary dimension to the interaction*'. The JTRS agrees that a perception audit regarding the activities of Eurogas '*has very little to do with the protection of children's rights,*' as put forward by the complainant. The mentioning of a donation to a third party may indeed create confusion as to the real goal of the meeting and, as a result, be perceived as inappropriate behaviour.

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<sup>3</sup> <https://epaca.org/code-of-conduct/>

<sup>4</sup> <https://seap.be/wp-content/uploads/2013/11/SEAP-code-2016.pdf>

In this respect, the JTRS invites FTI Consulting to explain the circumstances of the above-mentioned practice. The JTRS will then be better informed to determine whether by hoping to increase the participation in the perception audit conducted on behalf of its client, FTI Consulting or Eurogas may have breached the Code of Conduct by employing a strategy which mentions a financial transaction to an MEP one or both of them is in contact with.

**JTRS invites FTI Consulting, pursuant to paragraph 7 of Annex IV to the IIA, to present in line with the above reasoning their views regarding possible breaches of point b) of the Code of Conduct within 20 working days of receipt of this letter, i.e. by 15 July 2019.**

JTRS would like to inform you that a failure to react to this letter within 40 working days as of receipt may lead to the removal from the Transparency Register and loss of any incentives linked to the registration (paragraph 17 of Annex IV to the IIA).

Yours sincerely,

A large rectangular area of the document has been redacted with a solid grey box, obscuring the signature and any accompanying text or stamp.