



**STATEMENT FROM THE MANAGEMENT COMMITTEE OF EPACA WITHIN THE FRAME
OF THE COMPLAINT FROM SMOKE FREE PARTNERSHIP AGAINST INTEREL
EUROPEAN AFFAIRS**

A complaint has been made to the EPACA Management Committee in respect of the conduct of an intern of a member agency. The EPACA Management Committee has referred the matter to the Professional Practice Panel (PPP). The PPP is an independent body established under EPACA's statutes to provide opinions to EPACA's Management Committee on any alleged breaches of the EPACA code and best practice advice to EPACA.

The PPP examined the complaint and found that the code had not been breached by the member, Interel European Affairs or its employee.

Looking forward, the PPP found that issues of concern had been raised about the scope of the code and recommended that these were areas where the code could be extended to ensure best practice with all stakeholders not just institutions.

The Management Committee agreed with the PPP that there was no breach of the EPACA Code of Conduct and also supports the PPP recommendations on improving the code. The Management Committee has already begun work to improve and extend the code and related guidelines and will present amendments in due course to the membership for approval.

Brussels, 7 February 2012



Recommendations from the Professional Practice Panel to EPACA's Management Committee regarding the complaint from the Smoke Free Partnership against Interel European Affairs

1. Referral to Professional Practice Panel

On 7/12/2011 EPACA's Management Committee referred a complaint submitted by the Smoke Free Partnership against Interel European Affairs concerning the behaviour of an Interel stagiaire to the Professional Practice Panel. Messrs Tom Spencer, Alain Perroy and Professor David Coen signalled their willingness to examine the complaint.

2. The Hearing of the Disciplinary Committee

The hearing of the parties to the complaint, as foreseen under EPACA's rules, took place between 11.00 and 14.00 at the EPACA offices in the rue d'Idalie on 10th January 2012.

Under the terms of the referral from EPACA's Management Committee, the meeting took the initial form of a Disciplinary Committee with Mr. José Lalloum participating on behalf of EPACA and Mr. Robert Mack observing.

The group invited Mr. Tom Spencer to chair the proceedings. In opening the meeting he stressed that this was the first time that there had been a referral to the Professional Practice Panel. He stressed the importance of close adherence to the EPACA Guidelines.

It was agreed that the Committee would first hear both parties at length to establish the facts of the case. They would then rule on whether there had been a breach of the Code. In the event that there had been no breach of the Code, the Professional Practice Panel, if necessary, would make recommendations as to the strengthening of the Code.

The Committee recognised its responsibility to both protect and enhance the professional reputation of public affairs practice and to reassure EPACA members concerning the transparent and rigorous nature of the complaints procedure.

The Committee received two colleagues from Interel European Affairs: Bob Lewis, COO and Jean-Philippe Monod, Director who were accompanied by Nanyi Kaluma, lawyer from Allen & Overy. They presented a document rebutting in detail the complaint made by the



Smoke Free Partnership. The Committee was also provided with transcripts of the Facebook exchanges between the stagiaire and both Florence Berteletti Kemp and Céline Brassard. An extensive process of questioning followed which, inter alia, sought to establish at what moment Interel Management became aware of the conversations being conducted on its behalf by their stagiaire and further to establish the degree of training given to such stagiaires and the degree of supervision under which they operated.

The Interel team maintained strongly that the Code did not apply in this case, as the exchanges did not involve a member of the European Institutions and that as the incident referred to was in preparation for a pitch it did not count as lobbying in the sense of the Code.

The Committee then received Mme Florence Berteletti Kemp who spoke to her original document lodging the complaint. In addition to providing greater clarity on the relationships between the staff, consultants and former interns of the Smoke Free Partnership, she was able to inform the Committee about events and telephone calls subsequent to the complaint.

3. Judgment on the facts

Following the hearing of Interel European Affairs and the Smoke Free Partnership on 10 January 2012, EPACA's Professional Practice Panel reached the following conclusions as to the facts:

The Facebook emails sent by the stagiaire at Interel to Florence Berteletti Kemp and Céline Brassard lacked the necessary transparency. Especially as regards the stagiaire's contact with Céline Brassard in Copenhagen, he did not communicate clearly who he was working for or the purpose of his research, namely an enquiry for his employer Interel in the framework of a pitch for a potential client in the packaging industry. Instead he maintained ambiguity on the purpose of his request by merely saying that he was engaged in writing a paper without describing the nature of the paper and the context of that work.

The Committee rejected some of the assertions made by both parties. They did not accept that the use of Facebook for a business matter was innately improper. Furthermore they did not accept that the complaint related to a private matter as the stagiaire was clearly acting on behalf of Interel.

The Committee could not establish beyond doubt that the exchanges 1) between the Interel stagiaire and Florence Berteletti Kemp and 2) between the Interel Stagiaire and Céline Brassard, initiated on the basis of former



friendly relationships, were acts of deliberate dishonesty, but it noted that they had been confusing. The Committee believed that stronger supervision and control from Interel management on their stagiaire would have avoided such confusion. In particular, after the exchanges between the stagiaire and Florence Berteletti Kemp had been closed without the requested information being delivered.

4. A Breach of the Code?

After some debate the Committee came to the conclusion that there had been no breach of the Code as currently drafted and therefore there could be no disciplinary action, only because the EPACA Code of Conduct currently refers to “dealings with the EU institutions”. The meeting therefore re-constituted itself as the Professional Practices Panel to review its recommendations.

5. Recommendations of the Professional Practice Panel

- (i) The PPP were unanimously of the view that the Code and related Guidelines should be extended to include relationships with other stakeholders and not limited only to contact with officials of the European Institutions.
- (ii) The PPP noted that while the Code of Conduct focuses on lobbying described “as *actions* in pursuit of particular objectives in relation to specific policies or legislation for a client or group of clients” they considered that preparatory work including obtaining information on a piece of legislation with a view to drafting a paper for a pitch does fall within the framework of lobbying activities. The PPP considers that this should be made explicit in any re-formulation of the Code and/or EPACA’s Internal Procedures and Guidelines and encourages the EPACA Management Committee to review those texts in this regard.
- (iii) The PPP noted that the facts of this case should encourage all EPACA members to review the training on ethics and transparency given to their employees. They should further review the management of stagiaires.