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European Parliament
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Mr. Adam McCarthy
EPACA
Avenue de la Joyeuse Entrée 1-5
B-1040

17th November 2006

Dear Mr. McCarthy,

I would like to make a formal complaint about Mr. Philippe Kern and Ms Helen Smith, Managing Directors of KEA European Affairs, a member of your organisation, and therefore, of course, bound by your code of conduct.

In July of this year, his company produced a study for the Legal Affairs Committee of the European Parliament. This study, "*The Collective Management of Rights in Europe - The Quest for Efficiency*" can be found on the Committee's webpage, http://www.europarl.europa.eu/comparl/juri/study/rights_en.pdf
It is about Intellectual property rights and associated interests.

At no point in the report do the authors mention that one organisation with strong interests in the development of public policy in this area, IMPALA, is run from their offices, with Mr Kern working as its Secretary General and Ms Smith as the Deputy Secretary General.
<http://www.impalosite.org/01-3org3.html>

Indeed the report itself makes 13 references to IMPALA, even giving the organisation an entire sub chapter to voice their concerns (Chapter 6, SECTION 2 – IMPALA – monetising online licensing for SMEs).

On November 2nd 2006, this was brought to our attention in the pages of *European Voice* (pages 25 and 32), where the links between the report and industry were made clear.

I believe that the failure in the KEA report to mention the close relationship between Mr Kern and Ms Smith and IMPALA to be in direct breach of the your code of conduct;

In their dealings with the EU institutions public affairs practitioners shall:
b) declare the interest represented;

In the light of moves towards regulation of the lobbying industry by the Commission, and following the case of Mr David Earnshaw of Burson Marsteller I would appreciate it if your organisation would investigate this case forthwith.

Yours sincerely,

Roger Knapman MEP