



Monsieur Gérard Legris
Head of Unit, Transparency, Relations with Stakeholders and External Organisations
European Commission
B-1049 Brussels

Brussels, 17th March 2010

Dear Mr Legris,

Having consulted our Professional Practice Panel on the matter, I write to submit a formal complaint against Corporate Europe Observatory (CEO) for breach of the European Commission's Code of Conduct for Interest Representatives.

In its Code, the Commission has defined 'interest representation' as "activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions".

In its Communication of 28.10.2009 on "European Transparency Initiative: the Register of Interest Representatives, one year after," the Commission addressed any existing confusion over what is to be considered lobbying by referring to all actions "initiated with the aim of influencing European policy formulation or decision-making processes, irrespective of the communication channel or medium it is using".

There can be no doubt, therefore, that when a CEO staff person, David Leloup, emailed Robert Mack of Burson-Marsteller on 8 March 2010 purporting to be "a journalist about to publish a story" and seeking information about B-M's work for the government of Bulgaria in 2008, it falls under the Commission's definition of lobbying. His illicit request for information to a leading EU public affairs consultancy was clearly part of a campaign intended to influence European policy formation or decision-making.

This misrepresentation also highlights the difference between CEO's claims to be fighting for increased transparency in lobbying and its own actions on the ground in this case.

The facts as they unfolded are laid out in annex, along with the email exchange containing Mr. Leloup's admission that although he contacted Mr. Mack purporting to be a journalist, he subsequently admitted he was doing so in his capacity as a CEO staff person. We believe this constitutes a breach of articles 1, 3 and 5 of the European Commission's Code of Conduct.



We request the European Commission to investigate this case and to take appropriate action. At the same time, we request the Commission to verify the accuracy of CEO's registration in the Commission's Transparency Register. In the section on 'Structure,' CEO states that the 'total number of members that are natural persons' is zero and provides no additional information, despite also declaring a total budget of more than €400,000. We consider it important for the Commission to confirm whether or not it is possible for an organisation that fails to identify any members that are either natural persons or member organisations to be a legitimate interest representative in the 'non-governmental organisation / association of NGOs' category.

Kindest regards,

José Lalloum
Chairman

Cc: Robert Mack, CEO, Burson-Marsteller Brussels

Annex

DAVID LELOUP 1

> -----Original Message-----
> From: David Leloup [mailto:david.leloup@gmail.com]
> Sent: Monday, March 08, 2010 3:39 PM
> To: Mack, Robert
> Subject: Press request - Bulgaria
>
> M. Mack,
> To whom it may concern,
>
> As a journalist I am about to publish a story on Bulgaria and I would
> like to know whether Burson-Marsteller Brussels is still representing
> the Bulgarian government today, and if so until when.
>
> Also, early January 2008 the entire Bulgarian press announced that an
> Austrian company called "Dr. Hoheger Comunicazionsberatung", which
> would be part of the Burson-Marsteller group, signed a contract with
> the government. Could you please provide me with more information on
> that company and the nature of the contract? I find nothing on Google...
> The source of that info is the French embassy in Sofia:
> <http://www.ambafrance-bg.org/spip.php?article911>
>
> Could you also confirm that when referring to Bulgaria as a client in
> the EU register of interest representatives it is indeed that Austrian
> BM company's lobbying budget for Bulgaria that is declared?
>
> Best regards,
>
> David Leloup
> Journalist
>

ROBERT MACK 1

Mack, Robert a écrit :
> Dear David,
>
> Thank you for your email. For whom are you writing the story and when will you publish it? I
> could of course provide a little more information, but I'd like a little clarity from you first. Thank
> you.
>
> Kindest regards,
>
> Robert Mack
> CEO Brussels
> Burson•Marsteller
> 37 Square de Meeûs
> 1000 Brussels - Belgium
>
> Tel: +32.2.743.66.51
> Fax: +32.2.735.85.28
>

> Email: robert.mack@bm.com
> Web: www.bnbrussels.eu

DAVID LELOUP 2

Dear Robert,

sorry I am writing the story for a transparency NGO called Corporate Europe Observatory and it will be published end of this week or early next week. It will also mention Dominique de Villepin's counselling to Sofia.

Kind regards,

David

--

David LELOUP
rue Henri Maus 209
B-4000 Liège
Belgium

T +32 (0)4 232 17 75
M +32 (0)497 31 96 64
E david.leloup@gmail.com

ROBERT MACK 2

Mack, Robert a écrit :

> David,
>
> Thanks for your email. On the CEO website, it lists you as staff. Do you work for CEO or are you a journalist?
>
> Regards,
>
>
> Robert Mack
> CEO Brussels
> Burson•Marsteller
> 37 Square de Meeûs
> 1000 Brussels - Belgium
>
> Tel: +32.2.743.66.51
> Fax: +32.2.735.85.28
>
> Email: robert.mack@bm.com
> Web: www.bnbrussels.eu
>

DAVID LELOUP 3

Dear Robert,

I'm working as a journalist two days a week for CEO and the rest of the week as a freelancer. When working for CEO I apply to my work the same professional standards as for any media I work with: accuracy of information, balance, etc.

This is why I get in touch with you to get first-hand information on the Bulgaria dossier.

Best regards,

David

ROBERT MACK 3

2010/3/8 Mack, Robert <Robert.Mack@bm.com>

Dear David,

Thanks for the clarification. I now understand that you have approached me in your capacity as CEO staff, not as a journalist. I hope you find the attached statement a useful response to your question.

Regards,

Robert Mack
CEO Brussels
Burson•Marsteller
37 Square de Meeûs
1000 Brussels - Belgium

Tel: +32.2.743.66.51

Fax: +32.2.735.85.28

Email: robert.mack@bm.com

Web: www.bmbrussels.eu

***Statement by Robert Mack, CEO, Burson-Marsteller Brussels to David Leloup,
Corporate Europe Observatory***

8 March, 2010

In June, 2008, an article appeared in the Bulgarian publication Kapital that gave a false impression that Burson-Marsteller Brussels had been paid significant sums to lobby the EU on behalf of the Bulgarian government. Based on this story, other media subsequently wrote similar stories.

In 2008, Burson-Marsteller Brussels did a small amount of work for the Bulgarian government, as a sub-contractor to our former Vienna-based affiliate, Hochegger Communications, which won a communications assignment from the Bulgarian government via public tender.

B-M Brussels provided media relations support and media monitoring to the government about the implications of a European Parliament hearing and, in that context, held meetings with three MEPs. The total value of the fees earned from all that work, including the production of a regular media monitoring report through 2008, was €35,608.

We declared this work as part of our ETI registration for 2008.

We have not worked for the Government of Bulgaria at all since December, 2008.