

REVOLVING DOORS AND THE FOSSIL FUEL INDUSTRY

TIME TO TACKLE
CONFLICTS OF INTEREST
IN CLIMATE
POLICY-MAKING







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Revolving Doors and the Fossil Fuel Industry:

Time to tackle conflicts of interest
in climate policy-making

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The Greens | European Free Alliance
in the European Parliament



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8 EXECUTIVE SUMMARY

This report was commissioned by the Greens/EFA Group in the European Parliament in response to allegations that the European Union and its Member States have so far refused to engage constructively with governments from across the world who are proposing the adoption of a conflicts of interest policy for the United Nations Framework Convention on Climate Change (UNFCCC). These countries, representing the majority of the world's population, are calling for a framework that would prevent vested interests from dominating UN Climate Change negotiations and weakening international efforts on climate change.

This report therefore seeks to examine the revolving door phenomenon between the public and private sector in Europe, specifically as regards the fossil fuel industry, in an attempt to uncover whether European governments' lack of appetite for this issue might perhaps be stimulated by the cosy relationships built up in the region via the revolving door phenomenon.

Taking Austria, Belgium, Czech Republic, Denmark, France, Germany, Hungary, Italy, Norway, Poland, Spain, Sweden, and the United Kingdom as case studies, the report first analyses any existing legislation (or lack thereof) on revolving doors in both the pre- and post-employment stages. Secondly, it showcases a number of high-profile revolving door examples from each country (typically Ministers, Members of Parliament, Ministerial advisors and other high-level public officials who have moved from the public sector to the private sector or vice versa).

Although the study is not intended to be exhaustive when it comes to documenting revolving door cases, a number of observations can be made from our findings. Firstly, revolving doors in Europe are a widespread phenomenon, with our research in just 13 countries throwing up at least 88 cases of revolving doors, all of these specifically in the fossil fuels sector. Secondly, it is particularly the larger, dominant players in a country's energy market that feature more prominently. Thirdly, perhaps in an effort to avoid public controversy, it appears that in some countries, companies prefer to hire policy advisors and other high-level officials working behind the scenes, rather than politicians; while in other countries such as Austria, Spain or Denmark, high-level politicians feature more prominently than advisors. Fourthly, a subtler form of exerting influence, through placing staff in the Cabinets of key Ministers, appears in a number of cases in several countries. Finally, some companies build up relations with former public office holders from more than one

European country in order to increase their reach, or they take part in industry associations that have links to ex-public-office-holders.

It is difficult to measure the effect the revolving door has on climate policy. The report does highlight numerous cases of revolving doors between fossil fuel companies and the public sector but more research is needed before a definitive link with its effect on climate policy can be made. Nevertheless, the cases documented highlight the major potential for conflicts of interest, and when one takes into account what is at stake for large fossil fuel companies, and how much lobbying they conduct on climate policy more generally, weak revolving door policy provides another avenue of influence for private fossil fuel interests to exploit.

On existing legislation, there is some regulation of the revolving door in Belgium, Czech Republic, France, Germany, Italy, Norway, Poland, Spain and the United Kingdom, but the provisions vary in scope. The remaining countries do not regulate the issue at all. However, even in countries that do regulate the issue, we find numerous examples of revolving door cases, which indicates that there remain gaps in the legislation, enforcement mechanisms are weak or inexistent, and/or that the rules are regularly flouted.

We thus make a number of recommendations. At regional, national and EU level, there should be a cooling-off period of 3 years to prevent possible conflicts of interest that can arise from the revolving door, there should be a centralised lobby transparency register, public-office holders should be obliged to publish declarations of interest detailing their previous roles and these should be scanned to avoid conflicts of interest, and finally, there should be robust codes of conduct that prevent public-officer holders from having multiple interests concurrently.

At the United Nations Framework Convention on Climate Change (UNFCCC) level, we call for the adoption of a clear definition of what constitutes a conflict of interests, which covers both private and organisational conflicts. On this basis, a conflict of interests policy should be implemented that provides clear guidelines to climate policy-makers on how to engage with different stakeholders in the process without undermining the objectives of the international climate negotiations. //

When we look at the great challenges of our time, climate change stands out because of its scale and its urgency. Although scientists have concluded that the window of opportunity to limit climate change to 1.5 or 2 degrees is rapidly closing, action on climate change is still severely lacking. In addition, it is hard to deny that the fossil fuel industry has been fiercely fighting effective climate policies over the past couple of decades. This industry is not only highly influential, but it is also an effective recruiter of former regulators in the energy sector, as shown in this report. And its political influence stands out.

Nowhere is this more visible than in the UNFCCC Conference of the Parties (or COP) negotiations. Here, the fossil fuel industry is given preferential access, in the sense that they often act as sponsors to the climate negotiations, they get their own zone for displaying information about themselves in a prime location, they get access to key negotiations and negotiators, and in some cases the fossil fuel industry is even part of the official delegations representing some countries during the high-level negotiations. Often, this means that it is the fossil fuel industry which dictates the limits of “possibility” when it comes to fighting climate change. Which begs the question: are we failing to live up to the challenge because of the cosy relationships that have been built up between the fossil fuel industries and politicians, for example, through the revolving door?

The term “revolving door”, refers to the movement of individuals from positions in public office to jobs in the same

sector in private organisations, and vice-versa. Lines are blurred between political and economic power when the same people that one day are regulators become high-paid employees of major corporations the next. Policy advisors, State Secretaries and politicians find themselves sought after by organisations who wish to use their contacts, knowledge and strategic insights in order to increase their own reach, influence and sometimes, profits.

Every day, Greens/EFA Members of the European Parliament come across lobbyists and interest groups that are trying to influence the decision-making process. Of course, in a democratic system it is both normal and desirable that citizens and interest groups should be able to make their voices heard. The traditional way of doing this is through the preparation of briefings, media campaigns, advocacy meetings, public events, network and so forth.

But to ensure long-term impact, many organisations turn to the “revolving door” as a key source of influence, information and power. This report gathers together a series of revolving door cases between high level officials and the fossil fuels industry in Austria, Belgium, Czech Republic, Denmark, France, Germany, Hungary, Norway, Poland, Spain, Sweden and the United Kingdom with a view to assessing to what extent the revolving door phenomenon might have an impact on climate policy-making across Europe. It shows that the passage between the public and private sectors, often to areas that public office-holders were previously responsible for regulating, is both common and widespread.

Perhaps the extent of the revolving door phenomenon across Europe is one of the reasons why the European Union and its Member States have been siding with other large polluting economies such as the USA and Canada in their attempts to block discussions on conflicts of interest, despite the fact that governments from across the globe have raised this as an issue at the UN level. Their collective demand is simple: UN Climate Change negotiators should enact a conflict of interests policy, which includes a framework for how to engage with different stakeholders, in order to reduce what has so far been a disproportionate influence of the fossil fuel sector on climate policy-making.

With this report, we aim to contribute to the debate about why strong conflicts of interest policies are urgently necessary at UN, EU and national level and to call on European governments and the EU itself to engage constructively in the adoption of a conflicts of interest policy for the climate change negotiations at the UNFCCC level. //

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10 **MAIN FINDINGS**

- 1 The prevalence of the revolving door phenomenon across Europe is so widespread that, in just 13 countries, and specifically in the fossil fuel sector, at least 88 cases of revolving doors were documented. The analysis shows that the revolving door swings in all directions and that it does not appear to be party-specific.
- 2 It is often the largest and most dominant energy companies in a particular country that tend to hire a number of public servants or politicians. In Italy for example, ENI, one of the biggest oil companies in the world, features in at least three cases. In Spain, companies like Endesa have hired several former politicians on their boards. In Belgium and beyond, Engie-Electrabel is also heavily involved in the revolving door phenomenon.
- 3 In some countries, notably Austria, Spain and Denmark, the fossil fuel industry's engagements with the public sector tend to revolve more around high-level politicians than experts or advisors. In the countries assessed, 28 cases of revolving doors were identified between Ministers, Prime Ministers or Deputy Prime Ministers or Secretaries of State and energy companies, while 22 cases involved Members of Parliament, regional politicians or political party chairs. In Spain, for example, these transitions are so fluid that, in 2016, 58 former Ministers and senior party officials held posts as Directors in Spain's leading companies. 26 of these were in the energy sector.
- 4 In other countries, notably Belgium, France, Norway and the UK, it would appear that there is a preference for hiring ex-policy advisors and experts, which may be linked to the fact that less high-profile cases might draw less public scrutiny. Of the 88 cases, 28 involved Cabinet officials/advisors, or top civil servants. 10 cases came from regulatory or similar bodies straight into the energy sector.
- 5 While looking into the question of revolving doors, in a couple of countries such as Austria and Belgium, the "placement strategy" was also identified as a mechanism for influencing government positions, whereby, in some cases, private energy companies or private sector interest groups have members of their staff working as Cabinet advisors to key Ministers and senior officials.
- 6 Companies like Gazprom/Nord Stream, Engie, Endesa and Vattenfal, work with ex public office holders from several different countries, thus increasing their reach across Europe. A significant number of revolving door cases actually involve industry associations, which group together several different energy companies, and advocate towards decision-makers on behalf of the industry.
- 7 The existence of legislation to regulate the revolving door does not always effectively address the problem, either because there are no enforcement mechanisms or if there are, they are not always used, or because the rules are easily circumvented or there are gaps in the legislation for certain public officials.
- 8 From the countries covered in this report, Italy, the UK and France are the top three countries in terms of the absolute amount of subsidies given to the fossil fuel sector. Italy's subsidies to the fossil fuel sector far outweigh those of any other country on the list. //

UK

Nearly 90 per cent of people leaving the Department for Business, Energy & Industrial Strategy took up jobs in the energy sector, according to a 2016 academic study (see the UK chapter for more). This includes six former Energy Ministers. //

SPAIN

Almost half of the government Ministers who have served since the return of democracy in 1977 (71 of 176 Ministers) have gone on to work for and advise major private companies after they left office, mostly as company Directors. //

// There is clearly a need to enact conflict of interests policies at all levels of decision-making in order to ensure that public and private interests are not unduly conflated, so that all citizens can influence their decision-makers effectively, and so the interactions between private interests and the public sector are transparent and are regulated to avoid corruption, conflicts of interest and influence peddling.

RECOMMENDATIONS FOR THE EU AND MEMBER STATES

- High-level public office-holders, whether elected or unelected, should adhere to a cooling off period of at least three years before taking up a job in a sector that they were previously responsible for regulating.
- Centralised lobbying transparency registers should be established so that citizens can see who is influencing whom, for what reasons, and with which budgets, tactics and resources.
- Public office holders should be obliged to publish machine-readable declarations of interest upon taking up their position, which includes detailed information on their previous roles, and on their financial and other interests.
- Strong codes of conduct should be implemented that prevent decision-makers from having multiple interests at the same time – particularly where there is a potential for these interests to enter into conflict with their duty to defend the public interest. Strong sanctions should be applied in cases where these ethical duties are breached. //

RECOMMENDATIONS FOR THE UNFCCC

- A conflict of interests policy should be implemented that would recognise the risks associated with different types of stakeholder engagement and provide clear guidelines to decision-makers on how to mitigate these risks in a transparent manner.
- A clear definition of a "conflict of interests" should be adopted which includes not only the possibility for a decision-maker to have a conflicting private interest of their own, but which also covers circumstances in which there is potential for an external organisation's vested interests to conflict – or be perceived to conflict – with the objectives, independence and objectivity of the UNFCCC process. //

12 THE REVOLVING DOOR AND ITS POTENTIAL EFFECTS ON POLICY-MAKING

The term “revolving doors” refers to the movement of individuals from positions in public office to jobs in the same sector in private organisations, and vice-versa. Through the revolving door phenomenon, risks may arise when the lines are blurred between the regulated and the regulators. The danger is that the public interest can be twisted in favour of private companies or individuals, and hence, it is often described as one of the factors that can contribute to corruption, particularly when these interactions are neither regulated nor made transparent.

Regulation to control the revolving door is patchy, though more and more governments are beginning to pass some form of legislation. A report by the OECD found that more countries have introduced regulation on lobbying in the past five years than in the previous 60. However, the report also notes that unfortunately, these regulations, some of which include provisions on revolving doors, have all too often been adopted as a knee-jerk response to lobbying scandals.¹

Some laws or acts regulate pre-employment “revolving doors”, but most of the regulation just concentrates specifically on post public sector employment. Often, the way conflicts of interest are controlled is through the enactment of a “cooling off period” - a specific amount of time during which the ex-public office holder is either prohibited from contacting their old colleagues in the public sector, or is prevented from taking on a new role in the private sector if there is a risk of a conflict of interest arising.

In the EU there are countries which regulate the “revolving door” via specific laws, for example as part of legislation on lobbying or on the fight against corruption, while others include these issues in civil service laws or employment contracts.

In the countries covered in this report, there are four with no provisions on revolving doors (Austria, Denmark, Hungary and Sweden), meaning any public servant or politician can move straight into the private sector or vice versa with no oversight or control. In the remaining nine countries, some provisions do exist, although these vary widely in scope.² The table below summarises the varying provisions on revolving doors that the researchers identified in the thirteen countries studied.

Of course, the concrete impacts of the revolving door on policy-making are sometimes intangible or difficult to measure, and would require a lot more in-depth research to assess fully. Equally, as the country reports will show, the existence of legislation does not always effectively address

the problem, either because there are no enforcement mechanisms or if there are, they are not always used, and/or because rules are easily circumvented or there are gaps in the legislation for certain public officials.

In Poland for example, a 1 year cooling-off period is easily circumvented given the huge discretionary authority that is placed in an opaque commission within the Prime Minister’s office. In France, while a stricter 3 year cooling-off period and related sanctions for infringement of revolving door rules are already in force, the report shows that revolving doors are still a regular phenomenon.

The political literature thus far has identified the following possible impacts of the revolving door between decision-makers and the private sector.

- 1 **Potential for undue advantage:** The risk of the revolving door lies in the possibility that the interests of the private sector could influence public office holders who might be eyeing a future job. The flipside of this is the risk that the new employer could capitalise on the information, strategic insights and contacts enjoyed by the ex-public-sector-worker and thus benefit from unfair advantages over its competitors.³
- 2 **Potential for private interests to conflict with the public interest:** Another risk that is commonly associated with the revolving door is the possibility for decision-makers to be biased in a way that is beneficial to the private interests of the companies that they are regulating. There is a risk of “regulatory capture” that arises when the lines between the private and public sector are not properly drawn; or where decision-makers spend more time talking to private interests than to citizens or organised civil society. When these interactions are not regulated in a transparent manner, the risk of corruption also increases.
- 3 **Brain Drain:** If companies and organisations can easily entice public servants into the private sector, it can jeopardise the effective functioning of government and public administration, as highly qualified individuals depart to potentially better remunerated roles. Private companies with significant resources have a strong interest in having such individuals working for them, given their significant expertise in government affairs and contacts within the public sector (and thus their capacity to influence policy in the company’s fa-

vour). These companies will thus be willing to pay a high price to recruit talent. A lack of rules on revolving doors therefore can exacerbate the competition for such talent between the public sector and the private sector, to the detriment of the public sector.

4 Citizen Distrust: Increasingly in these times of distrust towards government and private enterprise, citizens are more receptive to the idea that there is a structural injustice in place in which those in positions of power - both political and economic - are somehow colluding against the interests of the “little people”. Putting in place clear rules that shed some light on the relationships between private industry, lobbyists and decision-makers is a way to mitigate these perceptions of injustice and show to the public how exactly decisions are taken and why.

— Need for regulation

It is for this reason that many democratic countries have adopted legislation to prevent the emergence - or the appearance - of risks of conflicts of interest, or to avoid the perception of an overly-close relationship between people in power and large business interests.

Regulations on revolving doors usually include cooling off periods that can range between a few months to up to five years in countries like Canada.

The Greens/EFA Group in the European Parliament is calling for cooling off periods of three years to be applied to both elected and unelected high-level public office holders, in order to avoid risks of conflicts of interest arising from the revolving door.

— Methodology

The countries covered in this report were selected for a number of reasons: Firstly, we looked at the size of EU Member State economies with regards to their share of EU overall greenhouse gas (GHG) emissions. For this reason, countries such as Germany, France, Italy, Spain and the UK are necessarily included (the 5 biggest economies in Europe). Their economic size also reflects their GHG emission share: Germany 20.8%, UK 12.1%, Italy 9.9% and Spain 7.9%.⁴ By the same token, Poland, with an 8.7% share of total GHG emissions in the EU was included.

Secondly, we chose countries that reportedly have not been at the forefront of Europe’s climate ambitions during the UN climate change negotiations. Following consultation with civil society experts, we were advised of the list of countries to focus on due to their reported resistance to ambitious climate policies in the UNFCCC.

Another factor in our selection was perceived corruption within the country. For this, we used Transparency International’s Corruption Perception Index, which features Poland in 36th place globally, Spain and Czech Republic in joint 42nd place, while Italy came in 54th place and Hungary in 66th.⁵

In some countries, such as Poland and Hungary, parts of the energy market remain under heavy State-ownership. We included these companies regardless, because they still raise conflicts of interest concerns as fossil fuel companies that have a cosy relationship with government and also a vested interest in weak climate policy.

Experts were hired in each individual country to do their analysis, all of which is based on publicly available data and supported by references, which can be found in the endnotes of each chapter. The format and style of each chapter varies because they were all produced by different authors. Each author is credited at the beginning of the country chapter. //

[...] Risks may arise when the lines are blurred between the regulated and the regulators. The danger is that the public interest can be twisted in favour of private companies or individuals, and hence, it is often described as one of the factors that can contribute to corruption, particularly when these interactions are neither regulated nor made transparent [...]

THE REVOLVING DOOR AND ITS POTENTIAL EFFECTS ON POLICY-MAKING

AUSTRIA

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
No	No
What are the conditions?	What are the conditions?
None	None
Is there an independent body monitoring or approving such cases?	
No	

BELGIUM

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
In very rare cases it is possible to prevent a Minister from taking up a management role in a company with which the State has had agreements the Minister was involved in making.	No
What are the conditions?	What are the conditions?
None	None
Is there an independent body monitoring or approving such cases?	
No	

CZECH REPUBLIC

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
1 year	Up to 1 year for high-level civil servants, up to 6 months for lower level civil servants. Those not covered by the law on civil servants can be subject to a 1 year cooling-off period.
What are the conditions?	What are the conditions?
Cannot take up positions in companies that have had a contract with national or regional government, or with a legal person which has been run or established by the government or regional government within the previous three years.	Higher-level government officials or civil servants responsible for public procurement can be banned from accepting jobs in the same or similar fields as they worked in under the law on civil servants. During this period, the former public employee is entitled to compensation equal to the average earnings of his or her previous position. In case of a violation of this ban the person is obliged to return double the amount of compensation that he or she has received. Those not coming under the law on civil servants can be forbidden from taking up a job which is identical, or which has a competitive nature to that of the former employer. Similarly to above, compensation can be included as well as penalties for its violation.
Is there an independent body monitoring or approving such cases?	
No	

FRANCE

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
3 years	3 years
What are the conditions?	What are the conditions?
Infringements punishable by two years and/or compensatory fines up to 30 000 euros, for a person who is charged as having left civil service or public office to assume a private-sector position in an industry over which they had previously exercised influence as a public servant.	Punishable by two years and/or compensatory fines up to 30 000 euros, for a person who is charged as having left civil service or public office to assume a private-sector position in an industry over which they had previously exercised influence as a public servant.

Is there an independent body monitoring or approving such cases?

Yes. Public Service Ethics Commission and the High Authority for Transparency in Public Life monitor its implementation.

DENMARK

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
No	No
What are the conditions?	What are the conditions?
None	None

Is there an independent body monitoring or approving such cases?

No

GERMANY

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
18 months for Chancellor, Ministers and Parliamentary Secretaries of State at federal level.	3 or 5 years for low or mid-ranking Ministry officials at federal level.
What are the conditions?	What are the conditions?
Subject to recommendation by the Advisory Committee, which assesses whether the move is likely to endanger the public interest. It can recommend a prohibition on taking up such employment for 12 - 18 months. However, there are no sanctions in case of non-compliance.	None

Is there an independent body monitoring or approving such cases?

Advisory Committee for Chancellor, Ministers and Parliamentary Secretaries of State.

HUNGARY

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
No	No
What are the conditions?	What are the conditions?
None	None

Is there an independent body monitoring or approving such cases?

No

THE REVOLVING DOOR AND ITS POTENTIAL EFFECTS ON POLICY-MAKING

ITALY

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
1 year	3 years for civil servants. 4 years for some independent public authorities.
What are the conditions?	What are the conditions?
None	Civil servants who, during the last three years of service, have exercised authoritative or negotiating powers on behalf of the public administration cannot have any independent or subordinate employment relationship with private subjects who have been the recipients or subjects of public administration activities such as legal provisions, contracts or other agreements. Specifically for the energy authority there is a 4 year cooling-off period.

Is there an independent body monitoring or approving such cases?

No

NORWAY

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
Up to 6 months on employment with an organisation that has or can have contact with previous areas of responsibility. There is also a ban of up to 1 year for former politicians working at an organisation to work on cases or areas related to their previous sphere of responsibilities.	Up to 6 months on employment with an organisation that has or can have contact with areas of responsibility as civil servant. There is also a ban of up to 1 year for a former civil servant working at an organisation to work on cases or areas related to their sphere of responsibilities when they worked as civil servant.
What are the conditions?	What are the conditions?
None	None

Is there an independent body monitoring or approving such cases?

Yes, there is a specific "Quarantine Committee".

POLAND

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
1 year. A 2017 draft bill proposes increasing the cooling-off period to 3 years.	1 year for civil servants.
What are the conditions?	What are the conditions?
None	None

Is there an independent body monitoring or approving such cases?

Yes. A special commission exists within the office of the Prime Minister which can approve applications for a shortening of the cooling-off period, although it operates largely in the dark, and transparency watchdogs report that most applications are approved.

SPAIN

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
2 years	2 years
What are the conditions?	What are the conditions?
Cannot take up positions in private companies affected by decisions they had a part in as public sector employees. Sanctions can be imposed.	Cannot take up positions in private companies affected by decisions they had a part in as public sector employees. Sanctions can be imposed.

Is there an independent body monitoring or approving such cases?

Yes. High-level officials must report to the Conflict of Interests Office and favourable decisions must be published.

SWEDEN

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
Not currently. A law is expected in 2018, but it will only deal with Ministers and their State Secretaries, not advisors or civil servants.	No
What are the conditions?	What are the conditions?
None	None

Is there an independent body monitoring or approving such cases?

No

UNITED KINGDOM

Applies to Ministers and members of government	Applies to civil servants, advisors and other public officials
Is there a cooling-off period?	Is there a cooling-off period?
2 years	2 years for senior civil servants and some special advisors.
What are the conditions?	What are the conditions?
Advisory committee typically recommends a short waiting period, a ban on not personally lobbying the government for a period of anything from a few months up to two years and the non-disclosure of sensitive information.	None

Is there an independent body monitoring or approving such cases?

Yes. Ministers, senior officials and certain special advisors must consult the Advisory Committee on Business Appointments. An advisory body, it has no power to enforce or block decisions or appointments, or to investigate breaches.

STATISTICS ON CLIMATE POLICIES IN THE COUNTRIES ASSESSED

AUSTRIA

BELGIUM

CZECH REP

FRANCE

GERMANY

HUNGARY

ITALY

This report exposes the cosy relationships between the fossil fuel industry and the public sector in countries across Europe and showcases how the revolving door between the fossil fuels industry and high-level public officials is continuously spinning all across Europe.

It also reveals that many of the companies most prominently involved in hiring former public sector workers are also the largest, both in terms of their economic prowess and in terms of their contribution to climate change. For example, of the 50 biggest fossil fuel companies in 2015 by operational and product greenhouse gas (GHG) emissions, six feature in our report (Gazprom, Total, ENI, Statoil, BP, Lukoil).

Indeed, half of all global industrial emissions since 1988 can be attributed to 25 corporate and State producing entities, including Total, BP, Lukoil, Gazprom, Shell and Poland Coal.⁶⁷ In addition, 91% of global industrial GHG emissions in 2015, and 70% of all anthropogenic GHG emissions in 2015 were due to the fossil fuel industry.

Therefore the business model of these companies is obviously threatened by the implementation of climate change policies that would limit global warming to 1.5 degrees, or to well below 2 degrees Celsius.⁸ If they succeed in employing former

public servants, the risks of conflict of interests arising are clear: these companies have a vested interest in watering down any legislation that targets their sector and their profits. Hence the need to ensure that their interests are taken into account but are not dominant when it comes to climate policy-making.

Turning to look at the size of the fossil fuel sector, a report from 2016 on the biggest companies in Central and Eastern Europe mentions several companies that are also featured in this report: PKN ORLEN was the biggest company on the list, with a turnover of over €20 billion.⁹ MOL was the third biggest with a turnover of over €13 billion, ČEZ, A.S. came 7th with a turnover of over €7 billion, PGNiG ranked 8th with over €8 billion in turnover, PGE took 9th place with over €6 billion in turnover and Tauron was 16th on the list.¹⁰

ENEL, featured in the Italian chapter, is the largest power utility in Europe in 2016 by number of customers, with 60 million.¹¹ EDF, which hires ex-public officials in France and in the UK, for example, comes second with 37.6 million customers. Iberdrola features heavily in the Spanish chapter and is ranked 3rd with 34.5 million customers, RWE came in 5th with 23 million customers, Engie, which features in the Belgian, French and UK chapters,

POLAND**SPAIN****NORWAY****SWEDEN****DENMARK****UK**

was ranked 6th with 22 million customers, and PGE came in 10th with 5.3 million customers.¹²

Total, which features heavily in the French chapter, has 100,000 employees worldwide, with operations in more than 130 countries, and it is the 4th largest oil and gas company globally with the second-highest market capitalisation on the Paris stock exchange (€100.7 billion at December 31, 2015).¹³

Not only do these companies possess significant economic heft within the countries' economies, but they also wield important lobbying power: at EU level, the gas industry in 2016 spent over €100m on lobbying, compared to less than 3% by public interest groups working against an expansion of gas infrastructure.¹⁴ Gas industry representatives met with two European Commissioners and their Cabinets 460 times.¹⁵

Another example of the power of the fossil fuel lobby is exemplified in a letter obtained by the Guardian, which reported that BP had repeatedly threatened that climate regulations would lead to an exodus of refining and petrochemical companies to locations outside the EU, costing the industry billions.¹⁶

Günther Oettinger, a German politician who is now an EU Commissioner, is known for example for his close ties to the oil industry, having invited representatives from Shell, Statoil, GDF

Suez (now Engie), EDF, ENEL and ENI to his yearly invite-only retreat in the Alps.¹⁷ This is why lobbying transparency and regulation, including provisions to control the revolving door phenomenon, are so important at all levels of decision-making.

The map overleaf shows the companies that featured in each country when assessing the revolving door phenomenon specifically in the fossil fuel sector. //

Not only do these companies possess significant economic heft within the countries' economies, but they also wield important lobbying power: at EU level, the gas industry in 2016 spent over €100m on lobbying [...]

COMPANIES FEATURED IN THE REVOLVING DOOR REPORT

AUSTRIA

EVN AG
Gazprom/Nordstream 2
RWE
Verbund

FRANCE

Areva
EDF
Engie/EDF Suez
RTE
Veolia
Total

HUNGARY

MOL
MVM
Paks Nuclear Power
Plant/ Rosatom

BELGIUM

Areva
Electrabel/Engie/GDF Suez
Orege SA
RESA
Tecteo/Nethys
Tractebel

GERMANY

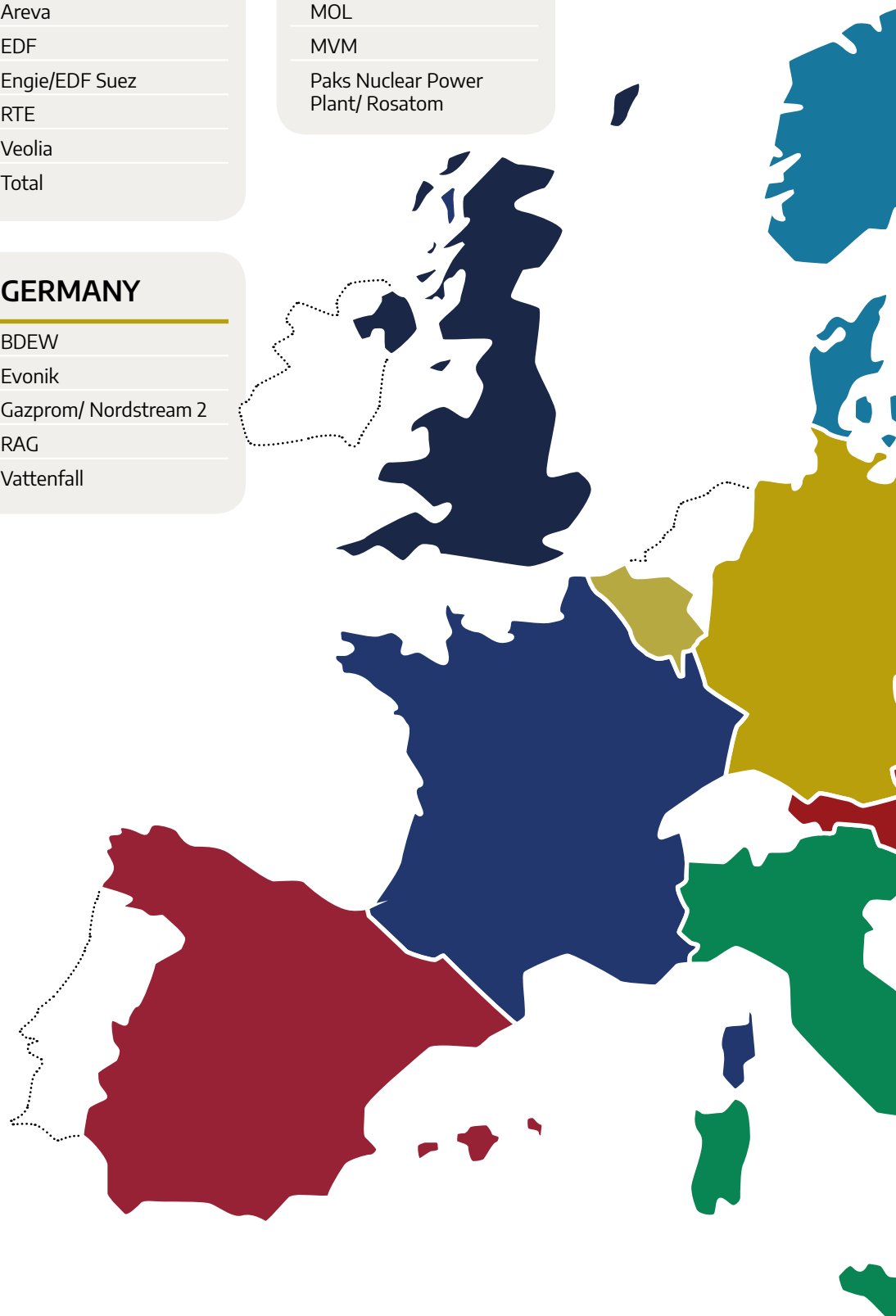
BDEW
Evonik
Gazprom/ Nordstream 2
RAG
Vattenfall

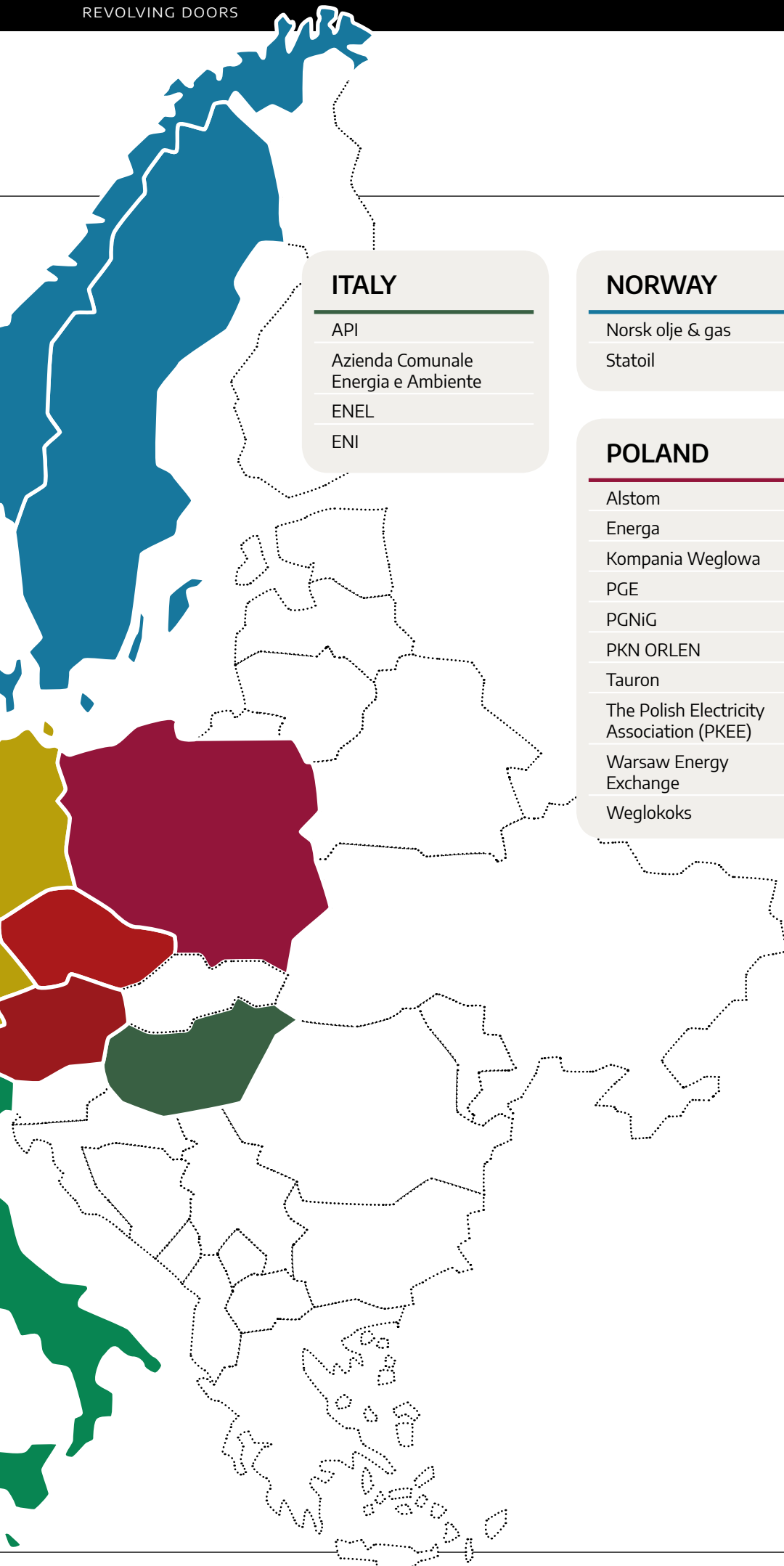
CZECH REPUBLIC

ČEZ
Elektrárny Opatovice
Klub plynárenských
podnikatelů
Lukoil Aviation Czech
OIG Energy
Pražská teplárenská a.s.
Siemens
VAE Controls
Vršanská uhelná a.s.

DENMARK

Dong Energy
Danish Oil Industry
Association





ITALY

- API
- Azienda Comunale Energia e Ambiente
- ENEL
- ENI

NORWAY

- Norsk olje & gas
- Statoil

SPAIN

- Endesa
- Gas Natural
- Iberdrola
- Red Eléctrica

POLAND

- Alstom
- Energa
- Kompania Weglowa
- PGE
- PGNiG
- PKN ORLEN
- Tauron
- The Polish Electricity Association (PKEE)
- Warsaw Energy Exchange
- Weglokoks

SWEDEN

- EON
- Jämtkraft
- Lundin
- Vattenfall

UK

- Atlantic Superconnection
- BP
- BG Group
- Centrica
- Cuadrilla
- Engie
- Equinox Energy Capital
- Independent Oil and Gas
- INEOS
- Lightsource Renewable Energy Limited
- London Oil and Gas
- London Power
- Mongoose Energy
- Scottish Power Energy Networks
- SolarCity Corp
- Statoil
- Vitol

STATISTICS ON CLIMATE POLICIES IN THE COUNTRIES ASSESSED

SUBSIDIES TO FOSSIL FUELS PER COUNTRY

The cosy relationship between politics and the fossil fuel industry is also manifested for example in the large amounts of subsidies given to the industry by governments each year. The data in the table below are taken from the OECD's Inventory of Support Measures for Fossil Fuels⁸ and they show the extent of fossil fuel subsidies in the different countries assessed. Italy, the UK and France are the top three countries in terms of the absolute amount of subsidies given to the fossil fuel sector, although Italy far outweighs its two closest rivals, having provided almost €13 billion in 2016 alone. The figures by the OECD cover direct budgetary support and tax expenditures supporting the production or consumption of fossil fuels. //

SUBSIDIES TO FOSSIL FUELS PER COUNTRY

FROM LOWEST TO HIGHEST

Country	Value of support measures for fossil fuels in 2016 across tax expenditure and budgetary transfer mechanisms (€)
Czech Republic	159,734,964 €
Denmark	165,777,063 €
Hungary	285,118,202 €
Austria	728,662,559 €
Poland	962,911,971 €
Sweden	1,661,620,375 €
Spain	2,051,205,923 €
Belgium	2,096,674,111 €
Norway	2,475,787,321 €
Germany	3,146,999,998 €
France	5,423,946,321 €
United Kingdom	7,455,645,309 €
Italy	12,719,571,019 €

CLIMATE CHANGE PERFORMANCE INDEX RESULTS

If we look at the 2018 Climate Change Performance Index results⁹, the category "climate policy" reflects a country's efforts towards an energy-efficient, low-carbon society. While many EU countries rank higher than others in the world, none seem to be living up to their full potential when it comes to reigning in the effects of climate change. The results of each country covered in this report are listed below. //

CLIMATE CHANGE PERFORMANCE INDEX RESULTS

HIGH-MEDIUM-LOW-VERY LOW

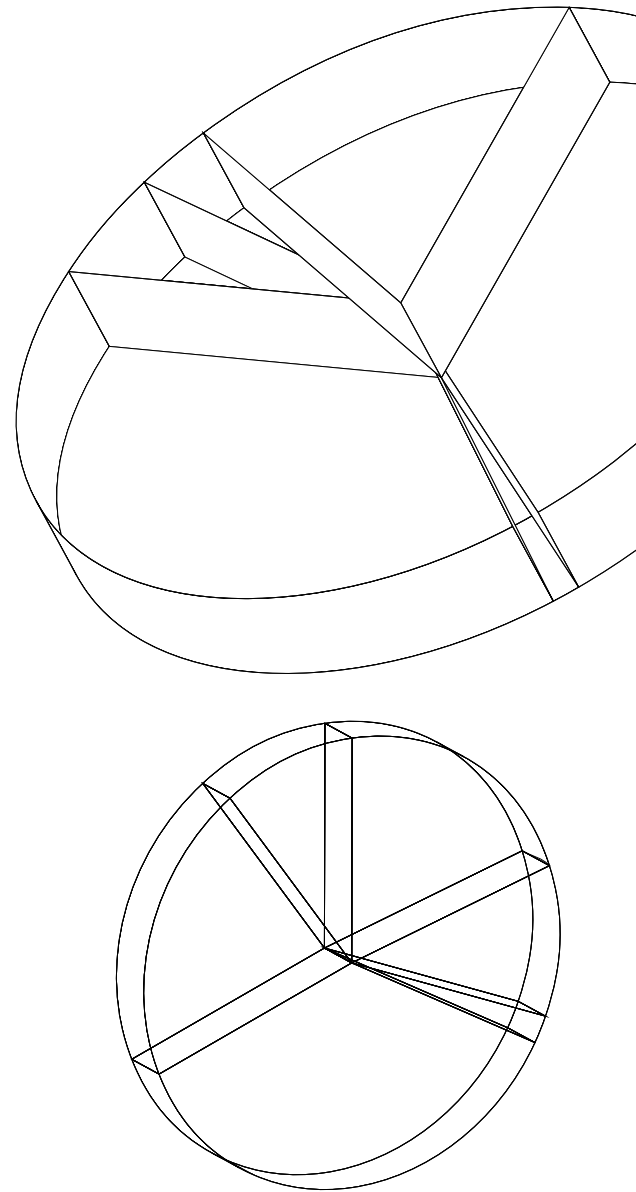
France	▲	HIGH
Norway	▲	HIGH
Germany	▶	MEDIUM
United Kingdom	▶	MEDIUM
Sweden	▶	MEDIUM
Italy	▶	MEDIUM
Belgium	▶	MEDIUM
Austria	▼	LOW
Spain	▼	LOW
Poland	▼	LOW
Denmark	▼	LOW
Czech Republic	▼	VERY LOW
Hungary	▼	VERY LOW

ENERGY MIX: RELIANCE ON COAL

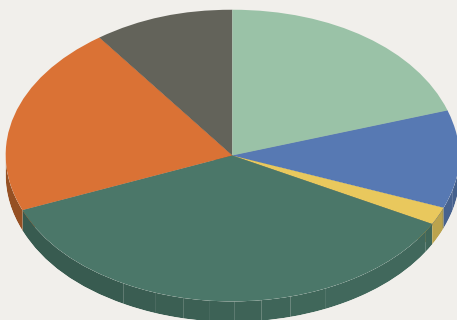
Europe’s reliance on coal is another issue that limits ambition on climate policy. 25 of the 30 most polluting coal power plants in the EU are located in five Member States (9 in Germany, 9 in the UK, 4 in Poland, 1 in Italy and 1 in Spain).²⁰

In Germany, the biggest power provider is RWE, with over 6.6 million customers. The company depends heavily on fossil fuels, with over 68% of its power generation coming from lignite and hard coal, while only 3.1% comes from renewables. The company also operates 3 of Europe’s five most polluting lignite power plants.²¹

Poland likewise continues to be enormously dependent on coal for the generation of energy, and is home to the EU’s most polluting coal plant in terms of CO2 emissions, the world’s largest lignite plant Bełchatów. This is despite the fact that, according to the UNFCCC, 82% of known coal reserves, 49% of known gas reserves, and 33% of known oil reserves must stay in the ground if we are to stay within two degrees Celsius global average temperature rise.²² //



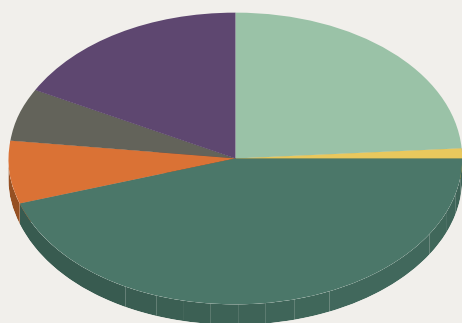
AUSTRIA



Natural gas	20%
Hydro	11%
Geothermal, solar and wind	2%
Oil	36%
Biofuels and Waste	21%
Coal	10%

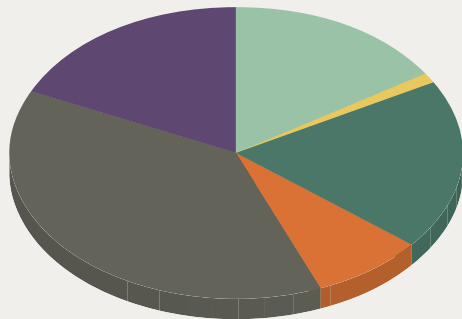
STATISTICS ON CLIMATE POLICIES IN THE COUNTRIES ASSESSED

BELGIUM



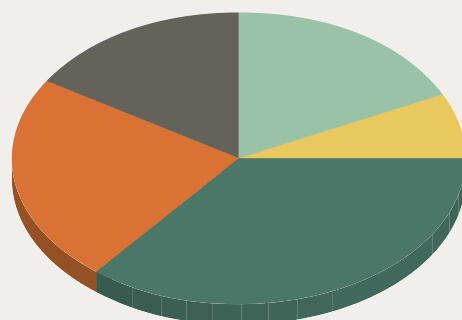
Natural gas	24%
Geothermal, solar and wind	1%
Oil	45%
Biofuels and Waste	7%
Coal	6%
Nuclear	17%

CZECH REPUBLIC



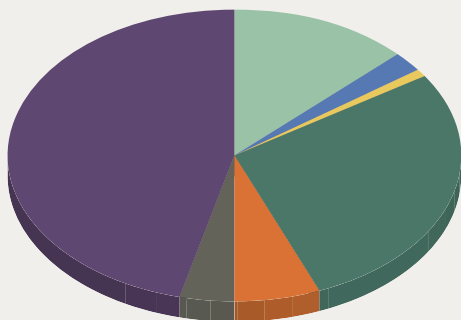
Natural gas	16%
Geothermal, solar and wind	1%
Oil	19%
Biofuels and Waste	8%
Coal	38%
Nuclear	18%

DENMARK



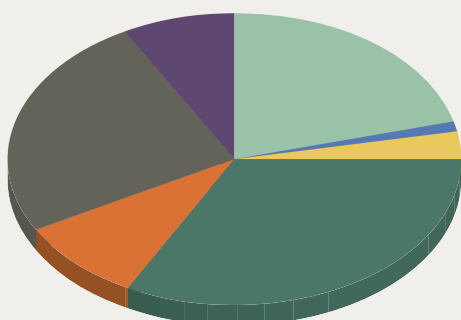
Natural gas	18%
Geothermal, solar and wind	7%
Oil	36%
Biofuels and Waste	23%
Coal	16%

FRANCE



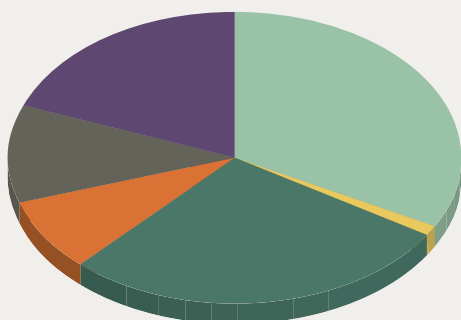
Natural gas	13%
Hydro	2%
Geothermal, solar and wind	1%
Oil	28%
Biofuels and Waste	6%
Coal	4%
Nuclear	46%

GERMANY



Natural gas	21%
Hydro	1%
Geothermal, solar and wind	3%
Oil	33%
Biofuels and Waste	9%
Coal	25%
Nuclear	8%

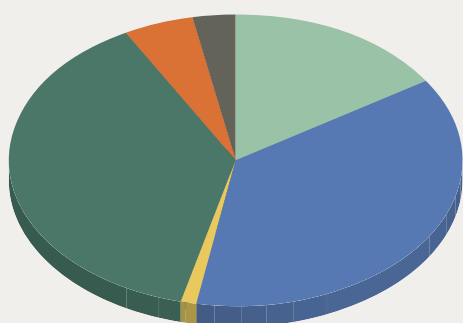
HUNGARY



Natural gas	33%
Geothermal, solar and wind	1%
Oil	28%
Biofuels and Waste	8%
Coal	11%
Nuclear	19%

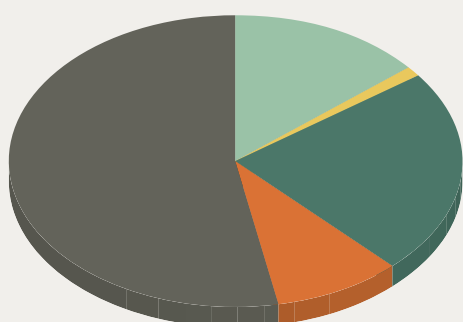
STATISTICS ON CLIMATE POLICIES IN THE COUNTRIES ASSESSED

NORWAY



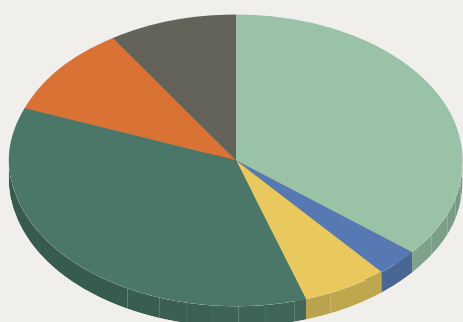
Natural gas	16%
Hydro	37%
Geothermal, solar and wind	1%
Oil	38%
Biofuels and Waste	5%
Coal	3%

POLAND



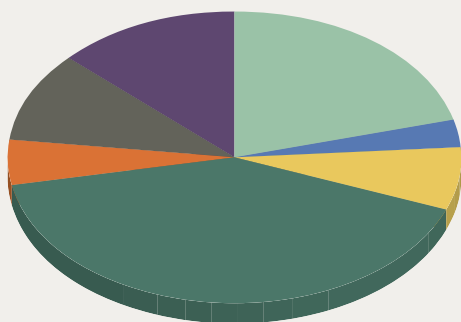
Natural gas	14%
Geothermal, solar and wind	1%
Oil	23%
Biofuels and Waste	9%
Coal	53%

ITALY



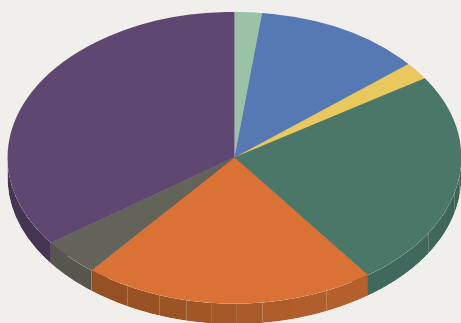
Natural gas	36%
Hydro	3%
Geothermal, solar and wind	6%
Oil	36%
Biofuels and Waste	10%
Coal	9%

SPAIN



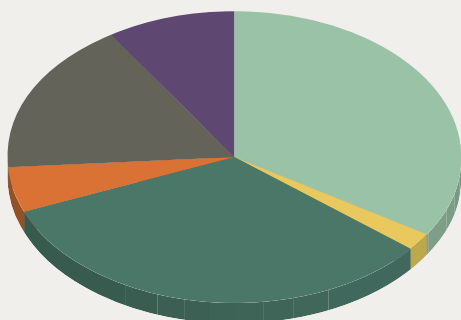
Natural gas	21%
Hydro	3%
Geothermal, solar and wind	7%
Oil	41%
Biofuels and Waste	5%
Coal	10%
Nuclear	13%

SWEDEN



Natural gas	2%
Hydro	12%
Geothermal, solar and wind	2%
Oil	24%
Biofuels and Waste	21%
Coal	4%
Nuclear	35%

UNITED KINGDOM



Natural gas	34%
Geothermal, solar and wind	2%
Oil	33%
Biofuels and Waste	5%
Coal	17%
Nuclear	9%

28 **END NOTES**

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if the climate
were a bank
it would have
been saved





AUSTRIA

CASE STUDIES OF REVOLVING DOORS BETWEEN PUBLIC OFFICE AND THE FOSSIL FUELS SECTOR

Case studies of revolving doors between public office and the fossil fuels sector

AUTHOR

MATHIAS HUTER

Austria has no measures in place to regulate the revolving door between the public sector and the private sector. There are no cooling-off periods that would temporarily limit former Members of Parliament (or regional assemblies) or former members of the Executive (on the national, regional or local level) from accepting private-sector positions that may result in (perceived) conflicts of interest.¹ Similarly, there are no provisions to address potential conflicts of interest for individuals moving from the private sector into Parliament or government.

The Austrian Chamber of Commerce and the Federation of Austrian Industries, both of which are powerful lobby groups, are likely a contributing factor to Austria's lack of ambition in tackling climate change.

Members of government are generally banned from carrying out other professional activities while holding office, except when they receive permission from a designated Parliamentary Committee to do so.²

Members of Parliament (MPs) have to disclose employment, self-employment and political or appointed

offices they receive income from, as well as non-remunerated activities.³ However, if Members of Parliament are self-employed, for example as notaries, lawyers, consultants, public speakers or trainers, they do not dis-

In 2014, nine staff members of the Ministry of Economy were temporarily hired from the Federation of Austrian Industries (IV)

close their clients.⁴ There are no verification mechanisms or sanctions in place to ensure compliance. Politicians of the legislature and executive are not required to publicly disclose any financial interests, such as shares and stocks they own.⁵

MPs are banned from accepting lobbying assignments.⁶ In practice, however, assessments carried out by the Council of Europe Group of States Against Corruption have found that this ban can be easily circumvented.⁷ The Parliament also lacks a code of conduct that would provide guidance on how to address potential conflicts of interest, such as those arising from (offers of) employment.⁸ In recent years, several prominent politicians registered as lobbyists or launched consulting businesses shortly after leaving public office. Their activities and clients, however, remain in the dark. The mandatory register for lobbyists contains no information on the principles of lobbying firms (this information is filed in a non-public section of the register), the goals they pursue, the resources they use and which decision makers they engage with.

With regards to Austria's climate policies, the 2018 Climate Change Performance Index ranked the country as having a "low" performance when it comes to its efforts to introduce energy-efficient, low-carbon measures⁹.

The government's draft of an Austrian climate and energy strategy was also criticised by environmental experts, including for lacking a concrete implementation plan and earmarked funding.¹⁰ Greenpeace criticised the draft for lacking goals, timetables, measures and responsibilities and stated that in the document, "the handwri-



Many Austrian energy companies are (partly) State-owned and in practice, the appointment of management and supervisory positions is often shaped by party interests and political networks

ting of the Chamber of Commerce and the Federation of Austrian Industries” was recognisable. The NGO Global 2000 mirrored that message, stating that “business lobbyists have apparently shot huge holes in the plan on behalf of their clients.”¹¹

The Austrian Chamber of Commerce and the Federation of Austrian Industries, both of which are powerful lobby groups, are likely a contributing factor to Austria’s lack of ambition in tackling climate change. Both organisations have a record of providing staff to serve as policy advisors in Ministries controlled by the ÖVP.¹²

Employees of the Federation of Austrian Industries (IV) have, either while on leave or fully-funded, staffed ministerial Cabinets: in 2013, a “trainee”, fully paid by the IV, worked as a staffer at the Ministry of Economy. In 2014, nine staff members of the Ministry were temporarily hired from the IV, a parliamentary inquiry by the Green Party MP Albert Steinhauser showed.¹³

One current example is Eli Widecki, who served as a policy advisor for energy, green power and mining to the Vice Chancellor and Minister of Economy, Reinhold Mitterlehner (ÖVP), apparently while on leave from his previous employer, the Chamber of Commerce, where Widecki had worked at the department for energy and climate policy.¹⁴ He currently serves as policy advisor for energy, green power, mining, natural resources and mo-

bility to Elisabeth Köstinger (ÖVP), the Minister for Sustainability and Tourism.¹⁵

Politicians’ controversial career changes may have contributed to declining public trust in the integrity of politics and democratic processes: in 2018, 26% of respondents in a representative survey supported the idea of having “a strong leader who doesn’t have to care about Parliament and elections”, compared to only 14% in 2007.¹⁶ However, these developments have yet to result in substantial debates on how to address potential conflicts of interest caused by revolving doors cases, and how to create meaningful transparency around lobbying and political decision-making.

Many Austrian energy companies are (partly) State-owned and in practice, the appointment of management and supervisory positions is often shaped by party interests and political networks.¹⁷ At the same time, there has been little political pressure to accelerate the shutdown of remaining fossil fuel thermal power plants.

In several cases, Austrian politicians have moved through the revolving doors into the energy sector or have become involved in lobbying efforts on behalf of actors with ties to the fossil fuels sector, while it remained unclear to what extent they continued to shape decisions and debates relating to energy and climate policies within their respective political parties.

The revolving doors, the lack of transparency in lobbying and political decision-making, and the close connections between government and the Chamber of Commerce may exacerbate the neglect of the government and Parliament to adopt effective policies which would curb emissions in a manner that matches the urgency of the ongoing climate crisis. //

AUSTRIA

7 revolving doors cases



HANS JÖRG SCHELLING

POLITICAL AFFILIATION

AUSTRIAN PEOPLE'S PARTY, ÖVP

PUBLIC OR POLITICAL ROLE/S

2014-2017 – Minister of Finance

ENERGY SECTOR ROLE/S

2018 – Advisor for Gazprom

Hans Jörg Schelling (Austrian People's Party, ÖVP) served as Minister of Finance from 2014 to December 2017. In March 2018, Schelling became an advisor to the Russian State-owned energy company Gazprom, where he supports the implementation of the Nord Stream 2 pipeline from Russia to Germany. As Minister of Finance, Schelling oversaw Austria's 31.5% ownership in the oil and gas company OMV. Under his watch, Rainer Seele, who in his previous job at the BASF subsidiary Wintershall had worked closely with Gazprom, was hired as OMV's CEO in 2015.¹⁸ Seele has made expansion in Russia a strategic priority for OMV, including through an asset swap agreement with Gazprom – and he also attended the signing of the agreement in St. Petersburg.¹⁹ OMV is also an investor in Gazprom's Nord Stream 2 pipeline project, alongside Wintershall, Uniper, Shell and Engie.²⁰ //



WOLFGANG SCHÜSSEL

POLITICAL AFFILIATION

AUSTRIAN PEOPLE'S PARTY, ÖVP

PUBLIC OR POLITICAL ROLE/S

2000-2007 – Chancellor

2007-2011 – Member of Parliament

ENERGY SECTOR ROLE/S

2010 – Supervisory Board of RWE

Wolfgang Schüssel (Austrian People's Party, ÖVP) served as Chancellor from 2000 to 2007, and then was a Member of Parliament until September 2011.²¹ Since March 2010, Schüssel has also been a member of the supervisory board of the German energy company RWE.²² RWE operates nuclear power plants as well as coal and gas-powered plants and is active in a number of different markets, including Germany, the UK, Spain, the Czech Republic, Slovakia, Hungary and Poland. It also holds non-controlling interests in the regional Austrian utility company KELAG.²³

In March 2018, Schüssel hosted a public event entitled "America First – Challenges and Opportunities for Europe" at the Austrian Parliament, together with the President of the National Council, Wolfgang Sobotka (ÖVP), featuring former German Chancellor Gerhard Schröder as keynote speaker.²⁴ Schröder is chairman of Rosneft, a leader in Russia's petroleum industry and the world's largest publicly traded petroleum company; he is also chairman of the shareholders' committee of the Nord Stream pipeline project.²⁵ //



ALFRED GUSENBAUER

POLITICAL AFFILIATION

SOCIAL DEMOCRATIC PARTY SPÖ

PUBLIC OR POLITICAL ROLE/S

2000-2008 – Chair of the Social Democrats

2007-2008 – Chancellor

ENERGY SECTOR ROLE/S

Consultancy & Lobbying

Alfred Gusenbauer chaired the Social Democratic Party (SPÖ) from 2000 to 2008 and served as Chancellor from early 2007 to late 2008. After leaving politics, he took on a number of different lobbying and consulting positions, including for two governments with important strategic roles in Europe's oil and gas supply. Starting in 2010, he served as an advisor to Kazakh dictator Nursultan Nazarbayev.²⁶ In 2012 and 2013, he also spoke at a number of Ukraine-related conferences and events on behalf of a U.S. lobbying firm that was recently linked to Paul Manafort and to the Party of Regions of former Ukrainian President Viktor Yanukovich.²⁷ At several events on Ukraine, Gusenbauer appeared as President of the Karl Renner Institute, the SPÖ's party think tank, which he continued to chair from 2000 until November 2017. At least at one conference, Gusenbauer reportedly highlighted the strategic importance for Europe of building up Ukraine's energy infrastructure for Europe.²⁸ //



MICHAEL SPINDELEGGER

POLITICAL AFFILIATION

AUSTRIAN PEOPLE'S PARTY, ÖVP

PUBLIC OR POLITICAL ROLE/S

2008-2013 – Foreign Minister

2011-2014 – Vice-Chancellor and chairman of the Austrian People's Party

2013-2014 – Minister of Finance

ENERGY SECTOR ROLE/S

2015 – Agency for the Modernisation of Ukraine

Michael Spindelegger served as Foreign Minister (2008-2013), Minister of Finance (2013-2014), and Vice-Chancellor and Chairman of the Austrian People's Party (ÖVP, 2011-2014). In 2015, he became president of The Agency for the Modernisation of Ukraine, a Vienna-based association that claimed it was founded at the suggestion of the federations of trade unions and employers of Ukraine.²⁹ The organisation was financed primarily by the Ukrainian oligarch Dmitry Firtash, who had made his fortune as a gas broker who bought gas from Gazprom and sold it at a mark-up in Ukraine.³⁰ While the organisation appears to be no longer operational, Spindelegger is still registered as a representative.³¹

Media reports have suggested that one reason for setting up the agency might have been to help improve the public image of Firtash (who had been detained in Austria in 2014 and was facing extradition to the US).³² The association's main output appeared to be a "Ukraine Modernisation Programme" that included analysis and recommendations on the energy sector. //

AUSTRIA



BETTINA GLATZ-KREMSNER

POLITICAL AFFILIATION

AUSTRIAN PEOPLE'S PARTY, ÖVP

PUBLIC OR POLITICAL ROLE/S

2017 – Deputy Chair of Austrian People's Party

ENERGY SECTOR ROLE/S

2016 – Chair of Supervisory Board, EVN AG

Bettina Glatz-Kremsner became a Deputy Chair of the Austrian People's Party (ÖVP) in 2017.³³ Since 2016, she has been Chair of the Supervisory Board of EVN AG, an energy and utility provider that is active internationally in countries like Germany, Macedonia, Croatia and Bulgaria.³⁴ 51% of shares in EVN AG are controlled by the region of Lower Austria.³⁵ The company continues to operate one of two coal-powered plants in Austria.³⁶ //



MICHAELA STEINACKER

POLITICAL AFFILIATION

AUSTRIAN PEOPLE'S PARTY, ÖVP

PUBLIC OR POLITICAL ROLE/S

2013 – Member of Austrian Parliament

ENERGY SECTOR ROLE/S

2001-2014 – Board member, EVN AG

Michaela Steinacker (Austrian People's Party, ÖVP) has been a Member of the Austrian Parliament since October 2013. From 2001 to January 2014, she was a member of the Board of EVN AG.³⁷ //



ULRIKE BAUMGARTNER-GABITZER

POLITICAL AFFILIATION

AUSTRIA PEOPLE'S PARTY ÖVP

PUBLIC OR POLITICAL ROLE/S

1999-2006 – Member of Austrian Parliament

ENERGY SECTOR ROLE/S

1992-2006 – Secretary General Association of Austrian Electricity Providers
2006 – Board of Verbund

Ulrike Baumgartner-Gabitzer served as a Member of the Austrian Parliament for the People's Party (ÖVP) from 1999 until the end of 2006, but between 1992 and 2006 she also served as Secretary General of the Association of Austrian Electricity Providers.³⁸ Immediately after leaving Parliament, she became a member of the managing board of the leading Austrian energy provider Verbund, which is majority State-owned.³⁹ Verbund continues to operate one gas and one coal-fuelled power plant.⁴⁰ //

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Bettina Glatz-Kremsner. Credit: ÖVP, <https://www.oevp.at/img/Bettina-Glatz-Kremsner.jpg>

Michaela Steinacker, Credit: Parlamentsdirektion / PHOTO SIMONIS, https://www.parlament.gv.at/WWER/PAD_83059/index.shtml

Ulrike Baumgartner-Gabitzer, CC BY-SA 3.0. Credit: VEÖ/Michalski <https://commons.wikimedia.org/wiki/File:Baumgartner-Gabitzer.jpg>



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REVOLVING DOORS IN BELGIAN ENERGY AND CLIMATE POLICY

Revolving doors in Belgian energy and climate policy

AUTHORS

ALEX POLFLIET, ZERO EMISSIONS SOLUTIONS
& PATRICK CUMMINS-TRIPODI

— A brief summary of the scale of the revolving door problem in Belgium

A number of high profile cases of revolving doors and conflicts of interest across a variety of sectors have come to light in recent years in Belgium. Looking specifically at the energy sector, the main issue in Belgian energy policy when it comes to revolving doors is the position of the former incumbent for electricity, Electrabel. Although the former Belgian company has been taken over by GDF Suez (which subsequently changed its name to Engie), it still plays a very significant role in Belgian energy policy.

Engie owns a market share of about 70% of electricity production and about 50% of electricity consumption. Its dominant economic role is strengthened by a very efficient lobbying machinery. Engie sponsors, is a member of, and holds positions in the main organisations that are considered to be stakeholders when it comes to climate and energy policy¹. This is their indirect lobbying strategy.

However, a far more direct lobbying strategy seems to consist of private companies taking and placing personnel in important positions in political cabinets, close to the decision-making centres. It has been a tradition for decades that companies appoint some of their people to join the staff/Cabinet of the Energy Minister. Some Ministers accept this gesture as a gift in the complex technical matters they need to attend to. It would appear that the current Belgian Federal Minister of Climate and Energy, Marie-Christine Marghem, is one of them.

What's more, in Wallonia in recent years, there have been two major corruption and political scandals involving energy companies Nethys and Electrabel, which feature in the cases below. These echo other scandals including Publipart, Telenetgate, Kazakhgate and Optima, all of which point to an overly close relationship between the public and private sector in general.²

In several examples below, both in the energy

sector and beyond, political Cabinets seem to feature repeatedly as a hot spot for potential conflicts of interest, suggesting that any policy to regulate these issues and control the revolving door phenomenon should be comprehensive enough to encompass not just Members of Parliament, but all relevant political staff and officials.

A far more direct lobbying strategy seems to consist of private companies taking and placing personnel in important positions in political Cabinets, close to the decision-making centres

— A short analysis of (failures in) the current revolving door rules in Belgium

In Belgium there is almost no regulation of revolving doors. Only in very rare cases can there be any restrictions on moving from the public to the private sector, and this applies only to Ministers, who could be disallowed from taking up management roles in companies with which the State has had agreements that they were involved in making.³

The only other relevant regulation is the obligation for politicians to be transparent about all the mandates they have, including public as well as private, and paid as well as 'pro bono' positions. However, this rule is of course only applicable to politicians in current mandates. As soon as a politician ends their mandate, these rules are not applicable anymore. The list of politicians' side-jobs is published by the Parliament and the media generally shows an interest in disclosing this to the public.

Another important gap in the legislation is that there are no rules or restrictions regarding the backgrounds of people working in important positions in the Ministers' personal staff or cabinets. Also, un-



One pattern that seems to emerge is that individuals in the nuclear industry seem to pass quite easily through the revolving doors, particularly to and from the Cabinet of the Federal Minister for the Environment and Energy

like MPs, they are not required to publish a list of all mandates they hold.⁴ This means that it is not possible to control whether or not a new staff Member has pre-existing ties that might compromise their independence when it comes to policy-making, and there are also issues with side-jobs that might entail a risk of a conflict of interests.

For example, the recent case of the staff member in Walloon Economy Minister Pierre-Yves Jeholet's Cabinet, who was simultaneously working for Carrefour, shows the need for a stronger conflicts of interest policy.⁵ An ex-Minister who went through revolving doors herself, Sabine Laruelle eventually stood down from the post at Carrefour following a public outcry.⁶ This case echoes that of Siegfried Bracke, the President of the Chamber of Deputies who was concurrently an advisor to the telecommunications company Telenet, earning €1000 a month, plus €2000 per meeting from them.⁷

Another recent conflict of interests scandal involves a Cabinet Member of the Federal Finance Minister Johan Van Overtveldt. It was revealed that they were offering paid private lessons about legislation being formulated by the Ministry through a company called Practicali, even before Members of Parliament were informed of such legislation.⁸

On revolving doors specifically, a recent case that illustrates why a lack of regulation to control the issue

is problematic, is that of Simon Put, who was a Cabinet Member of the Federal Minister for Defence, Steven Vandepuut. Mr. Put was dismissed for contact he had with Lockheed Martin over a job offer, because the company had also been in discussions with the Belgian government over an upgrade to its airforce and a major purchase of F35 fighter jets.

Following his dismissal, Simon Put joined Lockheed Martin, as no cooling-off period is required under Belgian law.⁹ Although this case is not related to the fossil fuels sector, it shows how a private company can potentially influence a policymaker in a key department while they are still in office, and subsequently benefit from the knowledge and contacts that person has once they leave their post.

— Conclusion: What does the revolving door situation mean for Belgium's ambition in tackling climate change?

One pattern that seems to emerge from the cases in this chapter is that individuals in the nuclear industry seem to pass quite easily through the revolving doors, particularly to and from the Cabinet of the Federal Minister for the Environment and Energy. Of course, it is defensible that a Minister with no expertise on energy matters staffs their Cabinet with experienced personnel from the energy sector, but it is also remarkable that one particular company seems to be practically the main provider of that experience.

When coupled with the lack of specific provisions prohibiting such shifts between the private and the public sector, it is clear that there is potential for energy policy to be swayed in a particular company's interest, and this of course is also the case when individuals hold concurrent roles.

When one considers the other examples from various sectors cited above, it is clear that a robust conflict of interests policy is needed in Belgium to avoid the risk that private interests can influence policy that should always be in the public interest.

It is thus necessary for Belgian Federal and Regional Ministers to introduce a code of conduct on revolving doors concerning both the mandates of personnel and provisions on avoiding conflicts of interest, taking particular care to also cover Ministers' Cabinet Members. //

BELGIUM



LUC WARICHET

POLITICAL AFFILIATION
REFORMIST MOVEMENT, MR

PUBLIC OR POLITICAL ROLE/S
Energy advisor for Minister of Energy and Environment

ENERGY SECTOR ROLE/S
Tecteo/Nethys, RESA

Mr. Warichet worked as energy advisor for Minister Marghem in 2016. Until 2014 he was Director of Tecteo, a distribution grid company and one of the most important players in the Belgian offshore wind market. Nethys is a successor company to Tecteo and was at the centre of a major political scandal mainly implicating Socialist Party politicians in Wallonia. It seems that Mr. Warichet was working for the Minister's Cabinet and Nethys at the same time. He left Minister Marghem's Cabinet in 2016, after questions were raised about potential conflicts of interest given that his dossier was on offshore wind. Mr. Warichet continues to work for RESA, an electricity and gas operator belonging to the Nethys group.¹⁰ //

JEAN-FRANÇOIS LEROUGE

POLITICAL AFFILIATION
REFORMIST MOVEMENT, MR

PUBLIC OR POLITICAL ROLE/S
Cabinet for Minister of Energy and Environment

ENERGY SECTOR ROLE/S
Tractebel, GDF Suez, Electrabel, White & Case, Orege S.A.

Jean-François Lerouge had a long career in various energy companies before taking up a position in the Cabinet of Minister Marghem in 2015. Holding various roles in Tractebel (a company specialising in energy and energy infrastructure), GDF Suez and Electrabel, he was Secretary General of Tractebel until 2014. He then had a brief stint at White & Case, a law firm providing services in a whole range of industries, including oil, gas and power. His decision to join Minister Marghem's cabinet proved controversial given Mr. Lerouge's background.

He went through the revolving doors again in 2016, to work for Orege S.A., a company working in the environment industry. There appears to be no clear reason for Lerouge's brief stay at the Ministry. According to Ingrid Van Daele, spokesperson for Minister Marghem, "people are constantly coming and going in the Cabinet so the departure of Lerouge should not be seen as a remarkable event". However, the newspaper *Le Soir* indicated that his departure may have been down to differing points of view on nuclear policy.¹¹ //



5 revolving door cases

**MARTIAL PARDOEN**

POLITICAL AFFILIATION
REFORMIST MOVEMENT, MR

ENERGY SECTOR ROLE/S
Engineer and advisor at Doel - Electrabel

In another case affecting Minister Marghem, **Martial Pardoen** went through the revolving doors to become the current energy advisor at the Ministry of Energy, Environment and Sustainable Development in 2014. He is also the current government representative on the Board of Directors at SKC-CEN, as the government holds shares in the company.

Previously he worked between 2003-2007 as a nuclear safety engineer and technical advisor at Doel, a nuclear power plant run by Electrabel. Then between 2007 and 2014 he took up the role of Nuclear Waste, Decommissioning & Dismantling Manager.

Greenpeace have complained about appointments like this one, arguing that former employees of Electrabel have a say in every important energy file in Belgium and pointing to other examples such as Jan Bens, who after a long career at Engie/Electrabel joined the Federal Agency for Nuclear Control.¹² //

DERRICK GOSSELIN

POLITICAL AFFILIATION
REFORMIST MOVEMENT, MR

PUBLIC OR POLITICAL ROLE/S
Chief of Cabinet to Flemish Minister-President
Advisor on international trade at Ministry of Foreign Affairs

ENERGY PRIVATE SECTOR ROLE/S
GDF Suez/Engie

Derrick Gosselin worked as Executive Vice President and Chief Strategy Officer at GDF Suez from 2002-2009, the company that changed its name to Engie in 2015. He then went through the revolving doors becoming Chief of Cabinet to the Flemish Minister-President Kris Peeters between 2009 and 2011. According to his LinkedIn page, he also worked as an advisor on international trade at the Belgian Ministry of Foreign Affairs between 1995-2011, and thus concurrently to his time at GDF Suez.¹³

In 2013, he became Chairman of the Board of Governors at SKC-CEN, the Belgian Nuclear Research Centre. In 2012, D. Gosselin wrote an opinion in 'De Morgen' where he put forward his preference for nuclear energy and warned about the disaster of a possible blackout.¹⁴ ¹⁵ In addition to his role at the SKC-CEN, Mr. Gosselin is Vice Chairman of NATO's research centre the Von Karman Institute, Chairman of the European Corporate Security Association, a member of the Supervisory Board at DAF, a truck maker, and more.¹⁶ //

BELGIUM



JEAN POL PONCELET

POLITICAL AFFILIATION
CHRISTIAN DEMOCRATS

PUBLIC OR POLITICAL ROLE/S
Minister of Energy, Minister of Defence and Deputy Prime Minister of Belgium
Member of Parliament
European Space Agency

ENERGY SECTOR ROLE/S
Areva
FORATOM
European Nuclear Society

Minister of Energy, Minister of Defence and Deputy Prime Minister of Belgium between 1995-1999, he continued as a Member of Parliament until 2001 and as Minister of Energy had a hand in deregulating the Belgian energy market. He then joined the European Space Agency as Director of Strategy and External Relations, focusing on defence issues, which was a position he held until 2005, before he joined Areva, a large French nuclear company. At first he was an advisor to its CEO Anne Lauvergeon, before he then took charge of sustainable development.¹⁷ He stayed at Areva until 2011.

In 2011, he established his own consultancy business¹⁸, and also became President of FORATOM, a position he held between 2011 and 2017. FORATOM is the Brussels-based trade association for the nuclear energy industry in Europe and acts as the voice of the European nuclear industry in energy policy discussions with the EU Institutions and other key stakeholders. It counts the Nuclear Forum (see case of Eric van Walle below), ČEZ and PGE (see Polish and Czech reports) among its members. Mr. Poncelet is now Secretary General of the European Nuclear Society (see case of Eric van Walle). //

PROF. DR. ERIC VAN WALLE

PUBLIC OR POLITICAL ROLE/S
Belgian Nuclear Research Centre

ENERGY SECTOR ROLE/S
Nuclear Forum, European Nuclear Society, Belgian Nuclear Society, Vincotte Nuclear Safety

“Although SKC-CEN tries to remain objective and not to take any position on the political dimensions of this dossier [on the extension of the closure date of the nuclear power plants], we cannot hide the fact that reversing the current policy would have a positive effect on SCK-CEN activities”

Very active in the field of nuclear energy for over 20 years, Dr. van Walle has been Director-General of the Belgian Nuclear Research Centre (SKC-CEN) since 2006. SKC-CEN is a public utility that falls under the Belgian Federal Energy Ministry and conducts research into nuclear technologies, as well as providing consultancy and other services.¹⁹

Dr. van Walle is active in a number of other nuclear organisations as well, and allegedly maintains links to the Christian Democrat Party.²⁰ One such organisation is the Nuclear Forum, which aims to be the leading voice on core technology in Belgium for the press, for policy-makers and for the general public, and of which he is the current Director. It counts Areva, SCK-CEN, Engie-Electrabel and Tractebel among its members.

Similarly, he has been a member of the Board of the European Nuclear Society (ENS) since 2013, the largest organisation promoting the nuclear industry, and nuclear research and science across Europe.²¹ Its corporate members include Areva, EDF, Electrabel, Tractebel and Vattenfall, all private companies involved in the nuclear energy sector and featured in revolving doors cases throughout this report.

Furthermore, Dr. van Walle is Vice-President of the European Atomic Energy Society (EAES), an association of the largest nuclear research institutes from almost all European countries; Honorary Chair and Liaison Officer of the Belgian Nuclear Society, an organisation that promotes the advancement of science and engineering related to the peaceful application of nuclear energy; Board member since 2010 of Vincotte Nuclear Safety, a firm carrying out inspections for Electrabel, Tractebel, Areva, Belgonucleaire, NIRAS and the SCK; and part-time Professor at the Faculty of Applied Sciences at KU Leuven in Belgium teaching Nuclear Materials, a course allegedly almost entirely funded by Engie.²² //



PHOTO SOURCES AND CREDITS

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END NOTES

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CZECH REPUBLIC

THE REVOLVING DOORS BETWEEN POLITICS
AND THE ENERGY SECTOR IN THE CZECH REPUBLIC

The revolving doors between politics and the energy sector in the Czech Republic

AUTHORS

ONDŘEJ KOPEČNÝ

LINDA GANDALOVIČOVÁ

— Introduction

In this briefing we focus on the issue of revolving doors in the energy and fossil fuel sectors in the Czech Republic. First, we present the topic in the context of the current political situation, especially given the recent swearing in of a new minority government. Second, we provide a brief overview of how the issue of revolving doors is regulated in Czech law. Finally, we provide 7 examples of revolving doors in the energy and fossil fuel sectors. Our choice is based on consultations with our colleagues and other experts who monitor the energy sector; however, this list may not include all relevant cases.¹

After the general elections in 2013 there were three ANO Ministers who came into the government directly from the private sector. The party's slogan "running the State like a company" was strongly reflected after the last general election in 2017 [...]

— Czech context

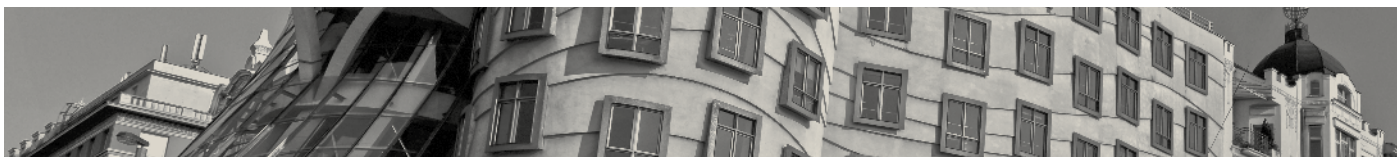
Regarding pre-employment revolving doors, we see a major change occurring recently, especially at government level. While in previous governments there were very few members who moved into the office directly from high-level managerial positions and/or after formerly owning a company², this has changed with the success of ANO, a new anti-establishment political movement.

After the general elections in 2013 there were three ANO Ministers who came into the government directly from the private sector.³ The party's slogan, "running the State like a company", is an idea that seems to have been the main inspiration behind the selection of Cabinet Members after the last general election in 2017. In the current government in resignation led by Andrej Babiš, six out⁴ of fifteen members were in high-level managerial positions in the private sector during the

Six out of fifteen members of Andrej Babiš' government were in high-level managerial positions in the private sector during the past five years or less... two of them worked for companies owned by Babiš.

past five years or less. Four of these are Ministers responsible for sectors related to their previous jobs in private companies, and the other two⁵ actually worked for companies owned by current prime minister Andrej Babiš until the beginning of 2017 (in 2017 he moved his companies into two trust funds managed by his relatives and close lawyers).

Numerous cases can also be found when it comes to post-public-sector-employment, the other type of revolving door. One of the best examples to demonstrate the risks arising from the revolving door relates to the regulation of gambling. In 2006, Petr Vrzáň, a former



casino manager, was appointed as Director of the Public Office responsible for controlling betting games and lotteries at the Ministry of Finance. After he left public office he became the Chief Executive of the gambling industry association⁶.

In the Czech Republic in recent years, **two out of five former Prime Ministers have transferred to the private sector after leaving office**. Mirek Topolánek, after

[...] quite a few people in our sample were able to **use their connections and knowledge gained from their time public office to establish a successful businesses** after they left their posts [...]

leaving office in 2009, became one of the most influential figures in the Czech energy sector (see his profile below). Petr Nečas, after his resignation in June 2013, worked for Delta Capital⁷ and currently works for SP-Group, a financial group active in trading and securities management, real estate and insurance⁸. On behalf of his private employers, he was repeatedly a member of Presidential delegations to China⁹.

Concerning revolving doors between politics and the energy and fossil fuel sectors in the Czech Republic, our research shows that quite often the individuals **moved back and forth** between public office and the private sector. Another interesting finding is that **many of the former public office holders are 'absorbed' by ČEZ¹⁰**, 70% owned by the State, which confirms ČEZ's prominent influence on energy policy in the Czech Republic. On the other hand, the 'largest pool of talent' for private energy companies seems to come from the Ministry of

Industry and Trade. Also worth mentioning is also the fact that quite a few people in our sample were able to **use their connections and knowledge gained from their time in public office to establish a successful businesses** after they left their posts.

— Revolving doors regulation

There is no specific legislation regarding the revolving doors in the Czech Republic. Pre-employment is not regulated at all. Certain provisions of post-public-sector employment regulation can be found in the **Law on conflicts of interest¹¹** (amended in 2017) as mentioned in the report on revolving doors by Transparency International from 2015.¹² An analysis by the Office of the Government conducted in 2017 on this issue also highlights two other laws: the **Law on civil servants¹³** from 2014 and the **Labour Code¹⁴** which, according to Office of the Government, could "limit the risks related to the movement of public offi-

In the Czech Republic in recent years, two out of five former Prime Ministers have transferred to the private sector after leaving office

ce holders to the private sector"¹⁵. Below we briefly describe how the above-mentioned legislation regulates the revolving doors phenomenon. However, it is important to highlight that none of these measures apply to Members of Parliament or to Senators.

Law on conflict of interests: The current law (which underwent a major revision in 2017), provides for a one-year cooling-off period before taking up roles in companies that have had a contract with the national government or regional governments or

with a legal person which has been run or established by the government or regional government within the previous three years.

However, there is no body that judges and grants permission for former politicians or which regulates or oversees the revolving doors between the public and private sectors. A recent update of the law, however, did increase the upper limit on penalties for failing to comply with the cooling-off period from 50,000 CZK to 500,000 CZK (approx. from 2,000 EUR to 20,000 EUR).

[...] the 'largest pool of talent' for private energy companies seems to come from the Ministry of Industry and Trade

Law on civil servants: This law is in general considered to be more suitable for the regulation of post-public office revolving doors.¹⁶ According to the law, high-level government officials or civil servants responsible for public procurement could be banned from accepting jobs in the same or similar field in which they worked within the State Administration when they depart, but such a ban is only agreed in certain circumstances and prior to the person taking up public office. In the case of top positions this period can be as long as one year after leaving office, in the case of other civil servants it could be a maximum of six months. During this period, the former public employee is entitled to compensation equal to the average earnings in their previous position. **In case of a violation of this ban the person is obliged to return double the amount of compensation** that he or she has received.

Labour Code: A competition clause is also included in the Labour Code and therefore it could be possible to apply it in the case of people who are not subject to the Law on civil servants. The competition clause could be fixed for a maximum of one year and it for-

bids the employee from taking up a job which is identical, or which has a competitive nature to that of the former employer. The competition clause can include compensation as well as penalties for its violation.

Although regulation of the revolving doors was part of the anti-corruption debate, the Law on the regulation of lobbying approved on February 21st 2018 does not actually include any specific measures related to revolving doors.¹⁷

— Conclusion

Despite the fact there is no specific law on revolving doors, there are several options for regulating post-public office employment for civil servants, although the issue of pre-employment revolving doors is not regulated at all. The next important question to assess is how much these options are actually used in practice, however an analysis of this issue was beyond the scope of the current paper. The main problem is that **none of the measures currently available are binding for Members of the Parliament or Senators.**

This means that in practice, some politicians move very easily into the private sector. No public body which would evaluate these shifts by former politicians into the private sphere exists. In the case of the energy and fossil fuel sectors it is worth mentioning that companies in State co-ownership in particular very often exercise their influence through politicians who are members of their supervisory bodies. In this regard, the situation could be improved if a register of lobbyists were created, which is currently one of the proposals in Law on the regulation of lobbying recently approved by the government.

Regarding the impact of revolving doors on the Czech Republic's climate policies, experts argue it is only one piece of the puzzle in explaining why the Czech position is often rather conservative. Given ČEZ's business interest in fossil fuels, and the company's close relationship with several Czech political figures, it is feasible that this may be having a detrimental impact on the country's climate change policies. However, even with a better regulation of revolving doors, Czech climate policy would probably look quite similar given the size of the industry. //



7 revolving door cases

CZECH REPUBLIC



MIREK TOPOLÁNEK

POLITICAL AFFILIATION

CIVIC DEMOCRATIC PARTY (ODS)

PUBLIC OR POLITICAL ROLE/S

December 2002-November 2004 – Deputy Chairman of the Senate
 December 2002-April 2010 – Leader of the Civic Democratic Party
 September 2006-May 2009 – Prime Minister of the Czech Republic
 2018 – Candidate for President of the Czech Republic

ENERGY SECTOR ROLE/S

CEO of VAE CONTROLS, s. r. o. (2010 -2016, previously Chairman of the Board of VAE A.S. until 2003)¹⁸, Member of the Supervisory Board of Elektrárny Opatovice, A.S. (since October 2011)¹⁹, Director for Development and Foreign Relations at NAFTA Bratislava (2013-2014)²⁰, Chairman of the Executive Board in Teplárenské Sdružení České Republiky (since January 2014)²¹, Member of the Board of Directors in Eustream, A.S (since August 2015)²²

In November 2017, **Mirek Topolánek** announced his candidacy for the Presidential elections in 2018. This marked his return to politics after eight years in the private sector. He was Leader of the Civic Democratic Party (ODS) from November 2002 to April 2010 and served as Prime Minister of the Czech Republic from 2006 to 2009. This former high-profile politician is also listed as one of the 8 most influential people in the Czech energy sector.²³ The media have previously associated Mirek Topolánek's name with the suspicion that he protected the clientelist interests of big energy companies.

For example, during the time Topolánek was Prime Minister, the State-controlled ČEZ signed several contracts with the private company Energy and Industrial Holding (EPH), represented by Petr Kellner and Daniel Křetínský. This is the company Topolánek would later work for after leaving politics in the spring of 2010. The Assets originally belonging to ČEZ ended in the EPH portfolio and experts and the media suspect that this had happened under very favorable conditions for its owners.²⁴ EPH is the second largest power company in the Czech Republic after ČEZ²⁵.

Between 2013 and 2014 he also worked as Director for Development and Foreign Relations at NAFTA Bratislava, an oil and gas company that also belongs to EPH.²⁶

For example, during the time Topolánek was Prime Minister, the State-controlled ČEZ signed several contracts with the private company Energy and Industrial Holding (EPH), represented by Petr Kellner and Daniel Křetínský [...]

After his unsuccessful Presidency candidacy, Mirek Topolánek resumed his work in the companies that are part of EPH. Currently he works as company manager for the Slovak gas carrier Eustream which holds a monopoly. Topolánek is also the head of the Supervisory Board of Elektrárny Opatovice (a coal power plant operator), which also belongs to EPH. In addition, he holds the position of Chairman in the influential organisation Teplárenské Sdružení ČR (an association of entrepreneurs in the heat, energy and other related industries). Between 2010-2016 he was CEO of VAE Controls, a company he helped found, which focuses on manufacturing and supplying a wide range of services in the field of petrochemicals, water and energy. //

CZECH REPUBLIC



TOMÁŠ HÜNER

POLITICAL AFFILIATION

IN OFFICE NOMINATED BY ANO

PUBLIC OR POLITICAL ROLE/S

Since December 2017 – Minister for Industry and Trade
September 2006–October 2011 – Deputy Minister at the Ministry for Industry and Trade

ENERGY SECTOR ROLE/S

ČEZ CEO in Bulgaria (2004 – 2006)²⁷, Chairman of the Supervisory Board of Vršanská uhelná a.s. (May 2014 – August 2015)²⁸, Director of Energy Management Division, Siemens s.r.o (2015–2017).²⁹

Tomáš Hüner’s entire career is connected to industry and energy. He has a rich and interesting employment history, both in the private business sector and in the political system. And it would appear that this will continue as he has recently been appointed Minister of Industry and Trade, a position he took up in December 2017. He returned to the Ministry after six years in the private sector, after holding the position of Deputy Minister from 2006 to 2011.

Previously, from 2004 – 2006, he worked for the largest electricity producer in the Czech Republic ČEZ A.S as CEO in Bulgaria and used to be involved in high level positions in Severomoravská energetika, the transmission system operator ČEPS and the electricity and gas market operator OTE. Moreover, in 2014 – 2015 Tomáš Hüner became Chairman of the Supervisory Board and Director of Energy Resources at Vršanská uhelná a.s. Vršanská uhelná is part of the mining company Czech Coal (the largest lignite producer in the Czech Republic), owned by Pavel Tykač. //

ALENA VITÁSKOVÁ

POLITICAL AFFILIATION

2016 CANDIDATE FOR THE SENATE FOR THE USVIT PARTY

PUBLIC OR POLITICAL ROLE/S

Head of the Energy Regulation Authority (ERÚ) (August 2011 – July 2017)

ENERGY SECTOR ROLE/S

Chairwoman of the Board of Directors in Pražská teplotárenská a.s. (September 2004 – September 2007)³⁰, Chairwoman and Deputy Chairwoman of the Board of Directors in Transgas a.s. (later RWE Supply & Trading CZ, a.s.) (July 2001 – July 2003)³¹

In 2011 the government elected **Alena Vitásková** as the new head of the Czech Republic’s main power regulator, the Energy Regulation Authority (ERÚ). As Chairwoman she has overseen and held the power to influence issues related to the energy sector that are worth billions of Czech crowns a year, making her one of the most influential personalities in the energy industry. Formerly, Vitásková was CEO of RWE Transgas and Chairwoman of the Pražská teplotárenská company, the most important supplier of thermal energy in Prague.

ERÚ directly regulates both Pražská teplotárenská and RWE. Specifically, after leaving Pražská plynárenská A.S. in 2007 she focused on her company called „Klub plynárenských podnikatelů“ (Club of gas entrepreneurs) which organised educational and social events. This company had a 5% share in the company Vemex, the Czech branch of Gazprom, whose aim was to gain a share of the domestic gas market.

With her entry into ERÚ, Vitásková sold her two companies operating in the energy business. One of them to her ex-husband, the other to her daughter-in-law.³² After terminating her employment at ERÚ, Alena Vitásková told the media she will not compete for any political office in the future. She intends to meet the requirement of not working in the energy sector for at least a year.³³

In August 2017 she founded the Alena Vitaskova Institut, a non-profit organisation focusing on the protection and promotion of human rights and freedoms in the Czech Republic and abroad. In November 2017 she was a member of the Czech President Miloš Zeman's delegation to Russia.³⁴ Officially her agenda during the visit was human rights, however, she is also known for having good relations with Alexander Medvedev, Deputy Chairman of the Management Committee at Gazprom.³⁵



CZECH REPUBLIC

MARTIN NEJEDLÝ

POLITICAL AFFILIATION

PARTY OF CIVIC RIGHTS (SPO) (SINCE 2009)

PUBLIC OR POLITICAL ROLE/S

SPO's Deputy Chairman (November 2010 – March 2013, since March 2014)³⁶,
External advisor (and, informally, right-hand man) to President Zeman
(since 2014)³⁷

ENERGY SECTOR ROLE/S

Member of the Board of Directors in LUKOIL Aviation Czech, s.r.o. -
currently in liquidation (September 2007 – June 2015)³⁸

After terminating her employment at ÉRU, Alena Vitásková told the media she will not compete for any political office in the future. She intends to meet the requirement of not working in the energy sector for at least a year. //

In 2009, **Nejedlý** co-founded and has since run the political party The Party of Civic Rights, formerly known as the Party of Civic Rights – Zeman's people. This party has become a springboard for Zeman's Presidential campaign, and is effectively his fanclub. After Miloš Zeman became President in 2013, Nejedlý became his main advisor, although formally, he has no official role in the Presidential Office. Nejedlý is often labelled the most influential behind-the-scenes player in Czech politics, accompanying the President on key international trips. For instance, he participated in negotiations with representatives of the Russian company Rosatom, who are interested in a tender for the completion of the Temelín nuclear power plant in the Czech Republic.³⁹ In September 2007 he founded and headed Lukoil Aviation Czech, the Czech branch of Russia's Lukoil, where he personally owned a 40% share. He represented the company until mid-2015 when it entered into liquidation. In the spring of 2016 Lukoil Aviation Czech lost a court dispute with the Czech Administration of State Material Reserves and was ordered to pay a fine of 27.5 million crowns. The case goes back to 2009. The headquarters of Lukoil in Moscow bought off his debt in the fall of 2016⁴⁰, fuelling speculation about political rewards the company received for the bailout. //

CZECH REPUBLIC



F. PAVEL ŠOLC

POLITICAL AFFILIATION

NON-PARTISAN

PUBLIC OR POLITICAL ROLE/S

Deputy Minister at the Ministry of Industry and Trade (June 2012 – November 2015)

ENERGY SECTOR ROLE/S

Member of the Board of Directors in ČEZ Distribuce, a.s. (since April 2016)⁴²

During his professional career Pavel Šolc has switched from the private energy sector into the civil service and back. From 1993 to 1999 he worked as a Strategy and Development Analysis Specialist in the company ČEZ A.S. Subsequently he joined ČEPS A.S., the State-owned operator of the electricity transmission system in the Czech Republic, where he held a top managerial position up until 2012. During 2012, he was also appointed Deputy Minister at the Ministry of Industry and Trade, where he was in charge of the Energy Department. After leaving the position in 2015, he stayed at the Ministry as a Ministerial advisor. In 2016, after 17 years, he was drawn back by the energy giant ČEZ. He became a Member of the Board of Directors in the subsidiary company ČEZ Distribuce, A.S.⁴³ //

E. MARTIN KUBA

POLITICAL AFFILIATION

SINCE 2003 - CIVIC DEMOCRATIC PARTY (ODS)

PUBLIC OR POLITICAL ROLE/S

Minister of Industry and Trade (November 2011 – July 2013), Deputy Chairman of the Civic Democratic Party (November 2012 - January 2014), Deputy Governor of the South Bohemian Region (November 2008 - December 2011)

ENERGY SECTOR ROLE/S

Chairman of the Supervisory Board in ČEZ LDS s.r.o. (since December 2016)⁴⁴

From November 2011 to July 2013, **Martin Kuba** served as the Minister of Industry and Trade in Petr Nečas' Cabinet; between 2012 - 2014 he was Deputy Chairman of the Civic Democratic Party. After leaving high-level politics he plunged into business, among other activities setting up the company OIG Energy. This company then established a joint venture with ČEZ in late 2016. The new enterprise ČEZ LDS specialises in local distribution systems - smaller power grids suitable for businesses, hospitals, schools and other similar sized establishments. Ironically, Kuba has strongly campaigned against renewable energy in his government positions. //

G. IVO HLAVÁČ

POLITICAL AFFILIATION

CIVIC DEMOCRATIC PARTY (ODS)

PUBLIC OR POLITICAL ROLE/S

Deputy Minister at the Ministry of Environment and Director General for Technical Protection of the Environment and Climate (June 2010 - August 2012), State Secretary and Deputy Minister for EU affairs at the Ministry of Agriculture of the Czech Republic (January 2007 - August 2009)⁴⁴

ENERGY SECTOR ROLE/S

Between 2005 – 2006 he worked at ČEZ as a specialist for its EU agenda, Public Affairs Director at ČEZ (January 2013 - December 2013), Chief Regulatory and Distribution Officer at ČEZ (December 2013 - March 2017)⁴⁵, Member of the Board of Directors at ČEZ a.s. (December 2013 - March 2017)⁴⁶, Member of the Supervisory Board at ČEZ Distribuce a.s. (March 2013 – February 2017)⁴⁷

Ivo Hlaváč is no stranger to switching from the private sector into politics and back again to benefit his professional career. In 2006 he worked for the Czech energy giant ČEZ as a specialist for its European agenda. A year later he was lured into politics and took on the job of Deputy Minister at the Ministry of Regional Development. Subsequently, he held the same post also at the Ministry of Agriculture and the Ministry of the Environment, from which he resigned in 2012. Amongst other things, in 2010 Ivo Hlaváč stood as a candidate in the autumn parliamentary elections, unsuccessfully. After parting ways with politics and working in private business outside the energy sector for a few months, he returned to his prior employer ČEZ in 2013, where he eventually accepted a position as a Member of the Board of Directors. He was responsible for external relations and regulatory affairs. Interestingly and perhaps importantly, by some experts he is seen as one of the more progressive leaders in ČEZ. //



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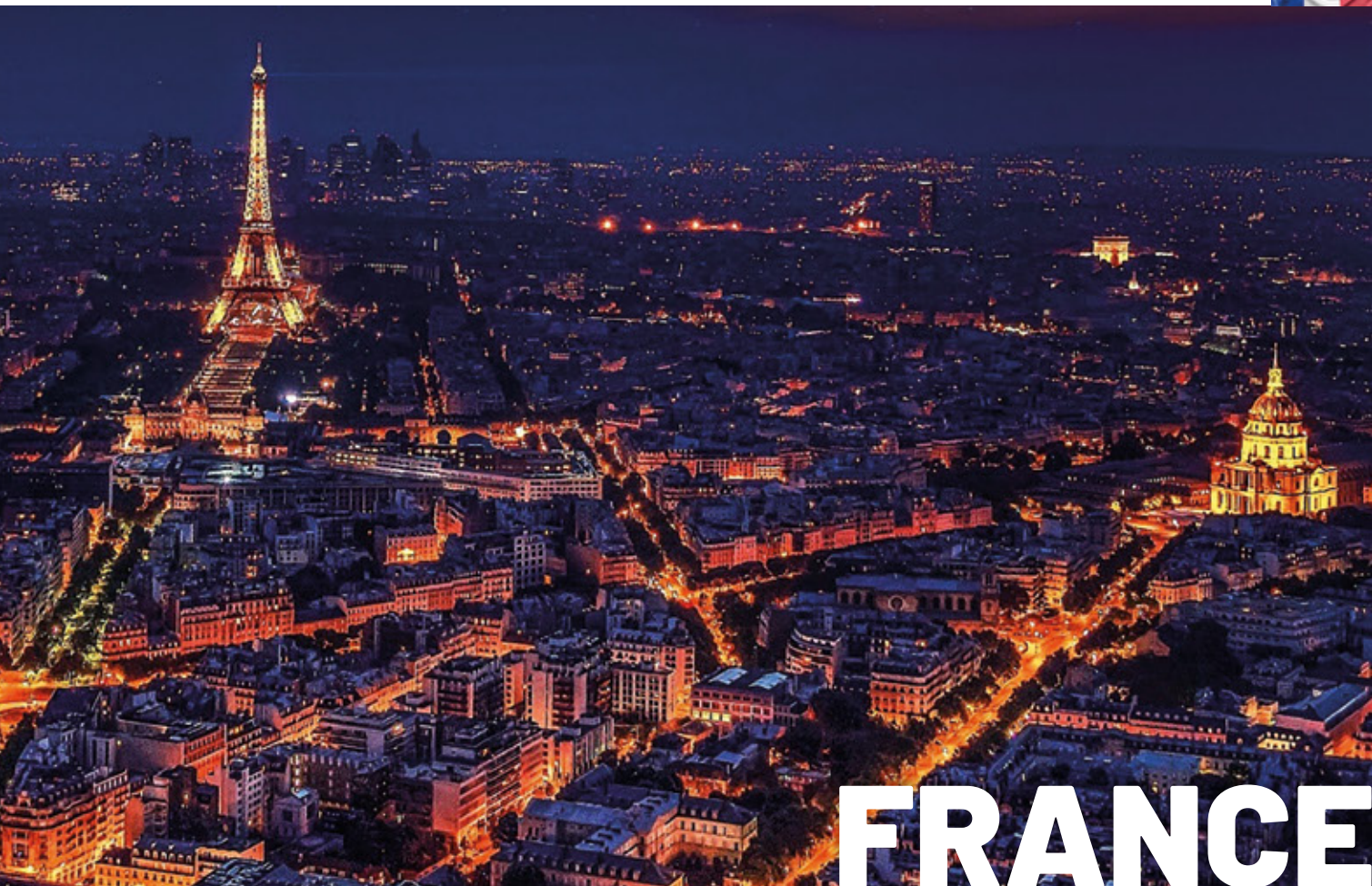
END NOTES

- 1 Areas which would need to be explored more thoroughly are for instance middle management at Ministries of environment, industry and trade, former Members of the Parliament and Senate, the NGO sector.
- 2 Aleš Řebíček (ODS), Minister of Transportation (2006 – 2009). Previously co-owner of Viamont, a construction and transportation company. He sold his share before entering the office of Minister. Vít Bárta (Věci Veřejné), Minister of Transportation (2010 – 2011), previously owner of a security company. He sold his share to his brother.
- 3 Andrej Babiš, Minister of Finance (2014 – 2017) and Prime Minister (since December 2017) was until 2017 owner of Agrofert a.s., an agro-chemical business, one of the largest companies in the Czech Republic. Dan Ťok, Minister of Transportation (in office since 2014) moved to public office from being Chief Executive of Skanska, an international construction company. Richard Brabec, Minister of Environment (since 2014), former Chief Executive of Lovochemie a.s., a major producer of fertilisers, part of Agrofert group.
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FRANCE

THE FRENCH REVOLVING DOOR PHENOMENON IN THE ENERGY SECTOR

The French revolving door phenomenon in the energy sector

AUTHOR

CYRIL LECERF

According to different activists and researchers¹, the bonds between civil servants, the public sphere and the private or semi-private energy sector in France has particular features. Their close relationship is already established early on when studying at high-profile universities such as the Ecoles des Mines, Ecole Polytechnique and Sciences Po where future civil servants and future employees of energy-related industries study together.² They will easily switch from the private to the public sector during their professional career and vice-versa. The need for establishing revolving doors with high-level Ministers is consequently less needed since the circulation of interests is structurally determined early on.

Many cases are however still visible even with important figures inside the current and past governments. Aside from the energy sector, the French President Emmanuel Macron was for example able, after working as an Inspector of Finances, to occupy a position at Roths-

Aside from the energy sector, the French President Emmanuel Macron was for example able, after working as an Inspector of Finances, to occupy a position at Rothschild and Cie Bank before becoming, in May 2012, the Deputy Secretary General of the Élysée under François Hollande

child and Cie Bank before becoming, in May 2012, the Deputy Secretary General of the Élysée under François Hollande.

— The current legal framework in France

Today, many elected officials or employees in the current administration, in numerous departments, are benefiting from the absence of strict regulation and legislation around the revolving door phenomenon. According to the French Criminal Code (Article 432-13), there is a three year cooling-off period between working in the government and taking up a job in the private sector.

Another article (article 423-13) concerns illegal gains through conflicts of interest. It is punishable by two years and/or compensatory fines up to €30,000, if a person is charged as having left civil service or public office to assume a private-sector position in an industry over which they had previously exercised influence as a public servant. In practice, however, it happens all the time.

These cases of revolving doors are submitted to the Commission de Déontologie Publique (Commission on public deontology) which is supposed to examine every demand.

The other way round, that is to say leaving the private sector to exercise a position in the public sphere or as a civil servant is not regulated at all.

A more recent law, the Sapin II law, concerning transparency and the fight against corruption was supposed to reinforce exemplarity. Yet it never directly addressed the revolving door phenomenon. The lack of concern over the need for transparency in the interplay between politicians and the private sector reveals a very limited vision of how power and political influence is exercised in France. Although this law introduced a recognised status for whistleblowers, allowed for the creation of an agency against transnational corruption and the set up of an online register of lobbyists, it has clearly failed to focus on the different manifestations of the revolving door phenomenon³. //



11 revolving door cases

NUCLEAR ENERGY SECTOR

Areva is one of the biggest corporations in the energy sector in France, and is specialised in nuclear energy. Its former President Anne Lauvergeon was undeniably close to previous governments. A former « sherpa » of President François Mitterand, her nomination in 1999 by Dominique Strauss Kahn, who at the time was Economy Minister, as the head of COGEMA, an industrial group specialised in uranium exploitation, led to the creation of the AREVA group in 2006. Her close relationship with the current Prime Minister Edouard Philippe has been interpreted by the press as a way to maintain Areva's influence in the new spheres of power following the Sarkozy and Hollande administrations. //



EDOUARD PHILIPPE

PUBLIC OR POLITICAL ROLE/S

Current Prime Minister
2007 - 2010 – Mayor of Le Havre

ENERGY SECTOR ROLE:

2007 - 2010 Head of public affairs at Areva

Edouard Philippe is a former Head of public affairs at AREVA, employed between 2007 and 2010.⁴

The French Observatory on Nuclear Energy (« Observatoire du Nucléaire ») has labelled him a Nuclear Energy Lobbyist. When he was mayor of Le Havre in 2010, he pushed for a major off-shore project with two windmill factories led by Areva. The project was finally abandoned in 2016. Between 2007 and 2010, he was Deputy Mayor of the city Le Havre while also working for Areva at the time, a job for which his salary has not been disclosed. The High Authority for Transparency of Public Life (HATVP) condemned his refusal to declare his earnings during 2014.

He has also been linked to a scandal about the exploitation of uranium in Niger since he seems to have had an active role in the negotiations for Areva to be allowed to exploit the uranium-rich land.⁵ This deal was immediately denounced by a Tuareg group in armed conflict with the central government in the country, specifically over the historically low revenues collected by the central government from the company, with even less flowing to the local population.⁶ It is of course highly troubling that, given the current Prime Minister's close relationship with the nuclear industry, the plans to reduce nuclear energy's overall share in the energy mix from 75% today to 50% in 2025 (a target inherited from the previous government, but one President Macron promised to stick to once elected), has been now postponed by a decade.⁷ //

FRANCE

CHARLES HUFNAGEL

ENERGY SECTOR ROLE/S
AREVA, AREVA KOREA

PUBLIC SECTOR ROLE/S
Communications Advisor to Current Prime Minister

A close friend of Edouard Philippe, Charles Hufnagel has constantly switched between the public and the private sector over the past 20 years. Head of the communication department at Areva between 2002 and 2008, he became Vice-President of Areva in charge of negotiating the sale of a few nuclear reactors for the United Arab Emirates (the sale fell through, however). He was also Vice-President of Areva Korea before joining the campaign of Alain Juppé, a former Minister and presidential candidate who ran in November 2010. He then worked as communications advisor to Alain Juppé during his Ministerial stints before re-joining Areva as Vice-President of Communications. After a stint at the multinational company Saint-Gobain he returned to politics, becoming a communications advisor to the Cabinet of the Prime Minister Edouard Philippe.* //

EDF

Formerly entirely nationalised, the new EDF, Electricity of France, is still largely owned by the French State. It produces electricity for France and the European Union primarily from nuclear power. In 2017, it took over the majority of Areva's reactor business following financial and technical problems at the latter. Gas and coal are still prevalent as sources for its production of electricity, much more so than renewable energy sources. //



JEAN-CLAUDE LENOIR

PUBLIC OR POLITICAL ROLE/S

Deputy, National Assembly
 Senator for Orne (UMP and LR)
 President Of High-Counsel Of Energy

ENERGY SECTOR ROLE/S

EDF

Jean-Claude Lenoir was a well-known figure at the Senate and the National Assembly for being very close to many different organisations linked to multinationals and to companies in the energy sector. Jean-Claude Lenoir is known to have worked as an executive at EDF where he was in charge of lobbying the French Parliament between 1988 and 1993, a role he held while also being a councillor in Orne.⁹

Despite maintaining public roles ever since, he has maintained a close relationship with the energy sector. He was also appointed President of the High-Counsel of Energy (Conseil Supérieur de l'Énergie) by the Prime Minister Jean-Luc Raffarin under Sarkozy's administration.

In June 2004, he was rapporteur for a law on electricity and gas and has been regularly involved in drafting energy-related laws. One of his nicknames used to be « député EDF ». ¹⁰ A Peugeot 207 with paid expenses was also put at his disposal by the company at some point.

His son Antoine Lenoir was nominated as the head of the Communication Department of GDF-Suez after the fusion between GDF and Suez. He is now Director of Communication for Engie, which is the new name of the multinational. //



FRANÇOIS BROTTES

PUBLIC OR POLITICAL ROLE/S

Deputy (Socialist Party), National Assembly

ENERGY SECTOR ROLE/S

RTE/EDF

After his mid-term departure from the National Assembly in 2015, François Brottes was appointed President of RTE, a company owned by EDF in charge of the electric transmission network. A very highly-paid job, the appointment caused a political stir, with a number of Deputies calling for the Commission of Public Service Ethics to investigate potential conflicts of interest.¹¹

Mr. Brottes was actually one of the main rapporteurs on the law on energy transition when he was a Deputy. This law was very important to both EDF and RTE, and was the focus of an intense lobbying effort. The former Deputy faced some controversy over an amendment he introduced that favoured electric heaters, which because of spikes in demand in the evening that only fossil fuel power plants can respond to, has questionable green credentials.¹² //

FRANCE

ENGIE

Engie (formerly GDF Suez) likes to portray itself as a cheerleader for the green energy transition while retaining a big stake in dirty energy such as gas and coal. It owns no less than 30 coal-fired power plants. Even its stated commitment to green energy involves building destructive hydroelectric mega-dams, such as Jirau in the Amazon. //



RACHIDA DATI

PUBLIC OR POLITICAL ROLE/S
Member of the European Parliament (MEP - EPP Group)

ENERGY SECTOR ROLE/S
GDF Suez (Engie)

In May 2014, Friends of the Earth Europe, Corporate Europe Observatory, and LobbyControl reported on the unanswered questions over Rachida Dati's work for GDF Suez (now known as Engie). French media reports suggested Dati, a former French Minister for Justice, had been acting as a paid consultant for GDF Suez while an MEP and while she was putting down amendments to legislation at committee stage which called for EU energy policy to focus on natural gas.¹³ Dati had never previously been particularly active on EU energy policy.¹⁴ The conflict-of-interest claims against Dati have been left un-investigated by the European Parliament and GDF Suez refused to confirm or deny a professional relationship with her.¹⁵ Furthermore, upon joining the European Parliament as a Member, Dati failed to disclose as part of her financial transparency requirements the consulting company she had recently established; she subsequently declared herself a lawyer rather than a businesswoman, which would have required her to publish in full her accounts.¹⁶ Le Point have reported that instead of the €6000 a month she declared publicly, in 2012 she was earning €50,800 a month from her activities as a lawyer.¹⁷ //



TOTAL

As one of the oil sector's largest companies, Total probably requires no introduction. Alain Deneault, a Canadian specialist and researcher on Total's economic and political strategies, has shed light on the decades-long intimate relationship between the multinational company and the French government, detailing how for example representatives of the firm have also promoted the French government's interests in Africa or at the UN.¹⁸

It is no surprise then that many inside past or current administrations have had strong connections to the firm. The following examples are some of the most recent. //

PHILIPPE BAPTISTE

PUBLIC OR POLITICAL ROLE/S

Chief of Staff to the Minister of Higher Education, National Center on Scientific Research (CNRS)

ENERGY SECTOR ROLE/S

TOTAL

Philippe Baptiste became Chief Technology Officer at Total in 2016.¹⁹ He moved into his role at the Ministry in 2017 after being nominated by the Minister Frédérique Vidal. At Total, Baptiste was in charge of a €1.1 billion fund for research and development, which Total uses, as many multinationals do, to further its long-term business interests through the funding of research programmes and the recruitment of researchers.²⁰

Prior to that, he worked as Director of the National Centre on Scientific Research (CNRS) and also did a stint as Strategy Director at the Ministry of Research and Higher Education from April 2013 to June 2014. //

AHLEM GHARBI

PUBLIC OR POLITICAL ROLE/S

Current Advisor on North Africa and the Middle East for Emmanuel Macron

ENERGY SECTOR ROLE/S

TOTAL

Ahlem Gharbi was working for Total between December 2015 and May 2017 where she was Deputy Vice-President for International Affairs. She is now Advisor for North Africa and the Middle East to French President Emmanuel Macron. //

FRANCE

THIBAUD NORMAND

PUBLIC SECTOR ROLE/S

Current Advisor on Energy and the Environment

ENERGY SECTOR ROLE/S

TOTAL

Thibaud Normand, current advisor on energy and the environment, previously worked for Total on exploration and production in Qatar.

Patrick Pouyanné, current Chairman of the Board of Total and Chief Executive Officer is another good example.²¹ In the past, he was advisor to Edouard Balladur, Prime Minister from 1993 to 1995, and then Chief of Staff under François Fillon, who was then Technology and Information Minister before launching into a long career at Total. The complete story of Patrick Pouyanné would deserve a whole report. It is highly indicative of how the multinational has been close to the centres of power for many decades, which would suggest it has had a strong influence on energy politics. //

ROMARIC ROIGNAN

PUBLIC OR POLITICAL ROLE/S

Chief of Staff to Secretary on Development, Ministry of Foreign Affairs, French Embassy Washington, Cabinet of PM Ayrault

ENERGY SECTOR ROLE/S

TOTAL

Romarc Roignan, former Chief of Staff to the State Secretary on Development and La Francophonie and former employee at Total, who returned as Project Manager on exploration and production for the company in 2016. According to Alain Deneault, he represents the perfect example of the constant shift of talented civil servants between the private sector and the state apparatus. He was successively spokesman for the Ministry of Foreign Affairs in 2006 before becoming head of international relations for Total, before leaving again to become councillor in Washington at the French Embassy, only to then work for Prime Minister Jean-Marc Ayrault in 2012.

Another examples is **Julien Pouget** who was an advisor on economic, digital and industrial affairs to François Hollande's government before he left to become President of Total's subsidiary company on renewable energies, Total SOLAR in 2016.²² //

VEOLIA

Veolia is a multinational specialised in collective services which includes the management of water cycles, waste and energy. //



BRUNE POIRSON

PUBLIC OR POLITICAL ROLE/S

State Secretary under Nicolas Hulot at the Ministry of Ecological Transition

ENERGY SECTOR ROLE/S

VEOLIA

Brune Poirson, current State Secretary under Nicolas Hulot at the Ministry of Ecological Transition, has significant experience in both the public and private sectors. Among them, at Veolia she was head of social responsibility during a project on water privatisation in India. Veolia's ambition to conquer other markets in India was the main reason behind this privatisation and her role seems to have been mainly related to promoting the project.²³ Brune Poirson is currently still working as an advisor for the multinational.²⁴ //



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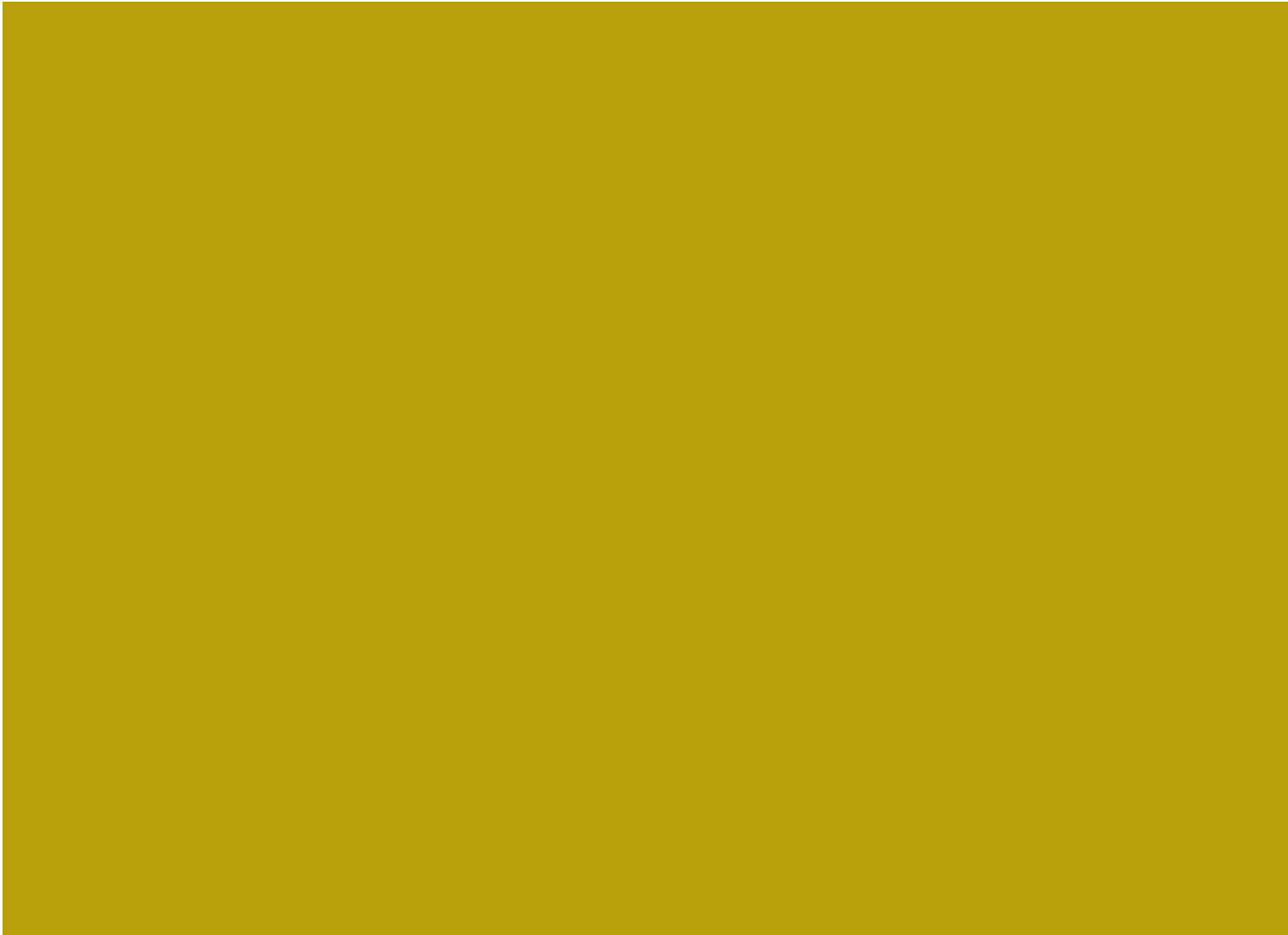


END NOTES

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GERMANY

THE 'REVOLVING DOOR' BETWEEN POLITICS
AND DIRTY ENERGY IN GERMANY

The ‘Revolving Door’ between politics and dirty energy in Germany

AUTHOR

JULIAN MÜLLER

IN COLLABORATION WITH MVD CONSULTANCY

This chapter presents revolving door cases in Germany that involve holders of political or other public offices and private corporations or lobby associations in the fossil fuel and energy sector.

There have been numerous high-profile cases in Germany in the recent past. Axel Weber, for instance, was President of the German Central Bank until 2011 and is now Chairman of the Board of Directors at Swiss banking giant UBS.¹ Another example is Matthias Wissmann, Federal Transport Minister from 1993 until 1998 and, since 2007, President of the German Association of the Automotive Industry (VdA).²

However, the most spectacular case so far involves former Chancellor Gerhard Schröder. Shortly after his Social Democratic Party lost to the centre-right in the national elections in 2005, he left politics for a position as Chairman of the Supervisory Board of Nord Stream AG, a subsidiary of the Russian State-owned enterprise Gazprom. Nord Stream is a project com-

The most spectacular case of revolving doors so far involves former Chancellor Gerhard Schröder, who took a position at Gazprom's Nord Stream AG company after leaving politics [...]

Other members of the Schröder government also switched sides, among them Wolfgang Clement and Werner Müller, both of which accepted posts in the energy utility or mining sectors [...]

pany set up to construct a natural gas pipeline in the Baltic Sea. This raised suspicions that Schröder may have been compromised during his time in office by a conflict of interest in his official dealings with Russia and Russian companies, which included the Nord Stream project.³ Other members of the Schröder government also switched sides, among them the former Ministers of Economic Affairs Wolfgang Clement and Werner Müller, both of which accepted posts in the energy utility or mining sectors.⁴

Contacts between German politicians and ministerial officials and the coal mining industry have been extensively documented, at least up until 2013, in a study by Greenpeace Germany.⁵ So as not to replicate the studies by LobbyControl and Greenpeace Germany, this report focuses on more recent cases. It also excludes cases in which politicians and officials moved from public office to jobs in the coal mining industry, unless these cases occurred after the publishing date of the Greenpeace study.

— Revolving door rules in Germany

A Federal Law that mandates a ‘cooling-off’ period (Karenzzeit) for government officials and Parliamentary State Secretaries after leaving office entered into force in July 2015. It requires them to notify the government in case they want to take up employment outside the public sector during the first eighteen months after leaving public office. An advisory committee of distinguished individuals will then assess whether



the switch is likely to endanger the public interest and it can recommend a prohibition from taking up said employment for twelve, or up to eighteen months.⁶ This is a step in the right direction, but it is insufficient. Among the issues are:⁷

Not tough enough: The law does not provide for sanctions in case of non-compliance. In addition, a cooling off period of eighteen months at maximum is not long enough to ensure that inside knowledge and contacts obtained while in public office do not constitute an undue advantage for the new, private sector employer.

Narrow scope: The law only applies to the Chancellor, Ministers and Parliamentary Secretaries of State. Ministerial employees in high-level positions, such as Marion Scheller (below), are not covered by it or by any other regulation. The case of Wolfgang Dirschauer (below), who was neither a ministerial employee nor a holder of public office, but merely an employee of the SPD group in the Federal Parliament, raises the question whether individuals belonging to this group should also be subject to some form of regulation.

Inconsistent application of rules: Ministry officials are subject to a separate regime, set out in section 105 of the Federal Law on the status, rights and duties of Federal Officials (Bundesbeamtengesetz). The mandatory cooling-off period of three or five years is long enough, but its application is in practice highly discretionary and is left to the department that formerly employed the individual in question.

The revolving door also exists at State level (see the case of Hannelore Kraft, below), but regulation is patchy here. Some States have mandatory cooling-off periods, but not all of them regulate the revolving door. A tightening and standardisation of rules would therefore be desirable.⁸

— Conclusion

When the revolving door between the political system and private business becomes a fact of life, a structural conflict of interest emerges as office-holders have rea-

son to consider the effects that their present actions might have on their future chances of a lucrative career in the private sector. The necessary transition to a low carbon economy creates opportunities, but it also imposes costs on various sectors of society, not least the energy and fossil fuel industries. The revolving door creates an incentive for civil servants and politicians to reduce or avoid such costs for private business and therefore has the potential to slow down the transition. Current rules to avoid potential conflicts of interest that may arise through the revolving door should therefore be strengthened in Germany. //

The necessary transition to a low carbon economy creates opportunities, but it also imposes costs on various sectors of society, not least the energy and fossil fuel industries. The revolving door creates an incentive for civil servants and politicians to reduce or avoid such costs for private business [...]



STEFAN KAPFERER

POLITICAL AFFILIATION

LIBERAL PARTY (FDP)

PUBLIC OR POLITICAL ROLE/S

2011-2014 – Secretary of State, Federal Ministry for Economic Affairs and Technology

ENERGY SECTOR ROLE/S

2011-2014 – Chairman of Supervisory Board, Germany Energy Agency
2016-present – Chairman of the General Executive Management Board, German Association of Energy and Water Industries

Kapferer began his career working for the Liberal Party in the State of Lower Saxony and, from January 1999 to August 2003, in the Federal Parliament. He eventually became Secretary of State at the Federal Ministry for Economic Affairs and Technology (as it was then called) in June 2011 where he stayed until 2014. During this time he was in charge of tasks related to energy policy and was Chairman of the Supervisory Board of the German Energy Agency (Deutsche Energieagentur), a State-owned enterprise.

In May 2016, Kapferer succeeded Hildegard Müller (see below) as Chairman of the General Executive Management Board of the German Association of Energy and Water Industries (BDEW).⁹ From June 2016 to January 2017 Kapferer participated in twelve meetings with federal Government officials.¹⁰

While BDEW chairman, Kapferer was invited by the FDP to take part on its behalf in the ultimately unsuccessful pre-negotiations for a conservative-green-liberal coalition (“Jamaica coalition”) that followed the inconclusive result of Germany’s general election in September 2017. Specifically he participated in the discussions of the working group on energy and climate policy. All other parties were represented by politicians or public servants.” //

MARION SCHELLER

PUBLIC OR POLITICAL ROLE/S

2013-2016 – Head of Energy Policy Department, Federal Ministry for Economic Affairs and Energy.¹²

ENERGY SECTOR ROLE/S

2016-present – Senior Advisor Governmental Relations, Nord Stream 2 AG

Nord Stream 2 AG is a project company set up by Gazprom of Russia to develop the Nord Stream 2 natural gas pipeline in the Baltic Sea.¹³ Here, Scheller joins former chancellor Gerhard Schröder (SPD) and former Ministers Wolfgang Clement and Werner Müller.

Scheller was in charge of the department that coordinates the energy and climate fund, a €3 billion fund created by the Federal Government to support the energy transition from 2013 - 2016.¹⁴ In October 2016 she joined Nord Stream 2 AG, without taking any break between her public and private sector jobs. //



HILDEGARD MÜLLER

POLITICAL AFFILIATION

CHRISTIAN DEMOCRATIC UNION (CDU)

PUBLIC OR POLITICAL ROLE/S

2002-2008 – Member of Federal Parliament

2005-2008 – Minister of State, Federal Government

ENERGY SECTOR ROLE/S

2008-2016 – Chairwoman of General Executive Management Board, BDEW

2016-present – Chief Operating Officer for Grid and Infrastructure, Innogy SE

During her professional career **Müller** has switched from the private financial sector into politics and back to the private sector as a lobbyist for the energy and water industries, before finally joining the board of Innogy SE, a subsidiary of German energy giant RWE AG. She is their Chief Operating Officer for Grid and Infrastructure since May 2016.¹⁵ Innogy SE is usually portrayed as being in the renewable energy business, but continues to be connected to fossil fuels through its energy distribution business, which also includes gas.¹⁶

As Chairwoman of the General Executive Management at the German Association of Energy and Water Industries (BDEW) - a post she held between October 2008 and May 2016 - she participated in 24 meetings with Federal Government officials in 2014 and 2015, including one with her eventual successor as BDEW chairperson, the then Secretary of State Stefan Kapferer.¹⁷

Before joining the BDEW in October 2008, she was MP in the German Federal Parliament for Düsseldorf between 2002 and 2008, and in 2005, she was appointed Minister of State under the German Chancellor Angela Merkel, where she was responsible for Federal and State coordination and for the reduction of administrative burdens.¹⁸ //



LEO DAUTZENBERG

POLITICAL AFFILIATION

CHRISTIAN DEMOCRATIC UNION (CDU)

PUBLIC OR POLITICAL ROLE/S

1980-1998 – Member of State Parliament, North Rhine-Westphalia

1998-2011 – Member of the Federal Parliament

ENERGY SECTOR ROLE/S

2011-2013 – Director of Public Affairs, Evonik Industries AG

In his political career **Dautzenberg** moved up from posts in his local party and local community to the State Parliament of North Rhine-Westphalia, where he was a member from 1980 to 1998¹⁹. As MP in the Federal Parliament, where he served from 1998 to 2011, he was an expert and spokesman on financial matters for the CDU/CSU group. His move to Evonik, where he was Director of Public Affairs between 2011 and 2013, is notable for the fact that there was no “cooling-off period” between his time in public office and his new job as a corporate lobbyist.²⁰

Evonik Industries are not active in the fossil fuel or energy sectors, but they are majority-owned by the RAG-Stiftung, a foundation that runs the remaining coal mining operations in Germany with a view to phasing them out by 2018; the chemicals giant also sells products such as biodiesel and MTBE, a gasoline additive.²¹ //

GERMANY

WOLFGANG DIRSCHAUER

POLITICAL AFFILIATION

SOCIAL DEMOCRATIC PARTY (SPD)

PREVIOUS PUBLIC OR POLITICAL ROLE/S

1993-2007 – Parliamentary Assistant and Consultant for Energy Policy, SPD Group in Federal Parliament

ENERGY SECTOR ROLE/S

2007-2016 – Head of Climate Policy, Vattenfall
2016-present – Head of Politics, LEAG

After working for fourteen years as assistant and consultant for energy policy for the Social Democratic (SPD) group in the Federal Parliament since 1993, Dirschauer switched to Swedish energy company Vattenfall in March 2007 as Head of Climate Policy. Vattenfall used to be active in lignite mining in the Lausitz region of Eastern Germany. According to press reports, Dirschauer once intervened in a strongly worded email to his former colleagues from the SPD group in parliament to protest against plans that were outlined in a government paper, which, if put in practice, would have put an end to lignite mining in Germany.²²

In October 2016 he left Vattendal and became Head of Policy at LEAG, a company active in lignite mining and energy generation in Eastern Germany.²³ //



HANNELORE KRAFT

POLITICAL AFFILIATION

SOCIAL DEMOCRATIC PARTY (SPD)

PUBLIC OR POLITICAL ROLE/S

2010-2017 – Prime Minister of North Rhine-Westphalia
2000-present – Member of Parliament, State of North Rhine-Westphalia

PRIVATE SECTOR ROLE/S

2017-present – Shareholder Representative on Supervisory Board, RAG AG

High-profile member of the SPD who served as Prime Minister of North Rhine-Westphalia from July 2010 to June 2017. Following her party's defeat in State-level elections and the end of the government led by her, Kraft also resigned from her party offices. She remains a State MP however, a post she has held since June 2000.²⁴ In December 2017 she accepted the position of shareholder representative on the Supervisory Board of RAG AG, a coal mining company based in the West German Ruhr area, where her tenure is due to run until spring 2019 before coming up for reelection.²⁵ //



PICTURE CREDITS

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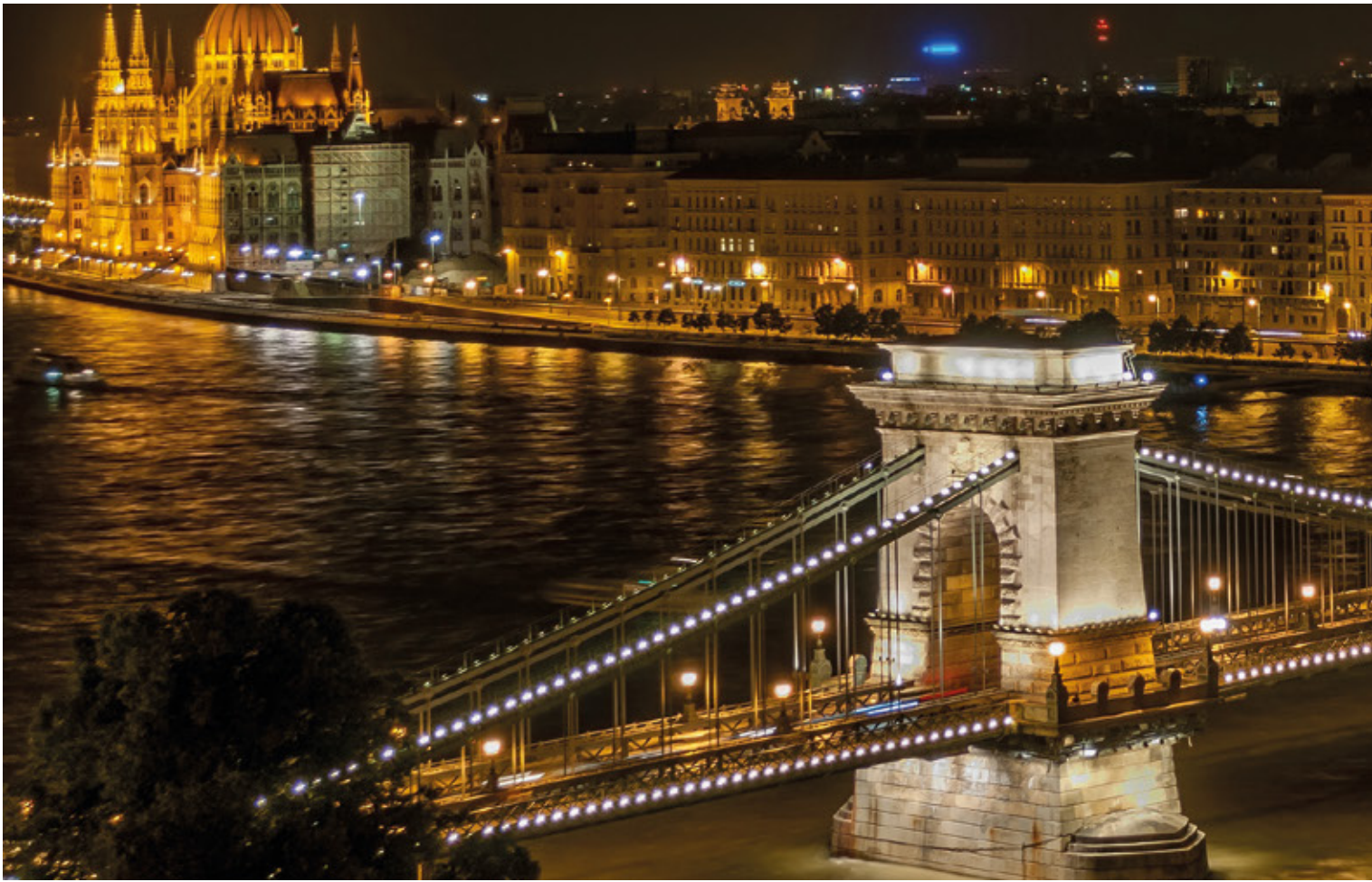
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HUNGARY

RELATIONS BETWEEN POWERFUL ENERGY COMPANIES
AND HIGH-LEVEL POLITICIANS AND OFFICIALS
IN HUNGARY: THE REVOLVING DOOR EFFECT

Relations between powerful energy companies and high-level politicians and officials in Hungary: the revolving door effect

AUTHOR

ORSOLYA FÜLÖP

ENERGIAKLUB

— Scale of the problem¹

Over the last 10 years, Hungary's political system and governance have changed enormously: the interrelation between business and the political sphere has created such an opaque linkage network and dependency system, that legislation no longer serves the public, but rather private interests.

State capture and kleptocracy have developed to such an extent that there is no real need for revolving doors. Legislation and financial support schemes are created in a way that favour only a limited circle of companies that are very close to the governing party, and which, in return, have to finance the party.

Other businesses outside these circles suffer an insurmountable competitive disadvantage, even if they have contacts or former employees in the government. Government decisions, especially those related to large investments (such as the new nuclear power plant planned to be built in Paks, Hungary) are made by a few top-level politicians, and for other actors, these decisions are rather impossible to influence.

Due to the communist past and the centralised energy system that was inherited, several large energy companies and power plants are still, at least partly, State-owned. Re-centralisation and increasing State ownership in the energy sector have been important goals of the government since 2010. This has

made the energy sector particularly prone to State capture in Hungary.

High exposure to Russia in the energy sector, as well as the issue of State-capture, represent serious threats to Hungary's energy security.

— Regulation²

There is no regulation in place that would specifically address the revolving door in Hungary.

The law contains some elements and restrictions but they apply only for the time during which the civil servant is employed by the given institution. These rules regulate conflicts of interest, prescribe the protection of data and confidential information and also cover the economic interests of the employer, but no statutory provisions apply after the termination of the employment relationship. Nor are there rules to regulate conflicts of interest for those assuming a new job in the public sector.

As regards businesses, a non-competition agreement may be included in employee contracts, but it is not mandatory to do so, and it does not really address the revolving door anyway.

— Conclusion

The revolving door phenomenon is not properly addressed in Hungary. Several organisations working on corruption issues have called for the improvement and amendment of the legislation in this regard³.

State capture and crony capitalism in the energy sector in Hungary do not particularly help the development of the renewable energy industry, as the privileged are primarily the large companies using or producing conventional energy sources like oil, natural gas and nuclear.

In the 2018 Climate Change Performance Index, Hungary is ranked one of the worst performers in Europe with regards to its efforts towards an energy-efficient, low-carbon society, achieving a score of "very low"⁴. The undoubtedly low level of climate ambition of the Hungarian Government however, cannot be explained by the revolving door effect in and of itself although it certainly does not help. //



6 revolving door cases

HUNGARY

**JÁNOS SÜLI**

POLITICAL AFFILIATION

Christian Democratic People's Party/ Kereszténydemokrata Néppárt (KDNP)

PUBLIC OR POLITICAL ROLE/S

2017-present – Minister without portfolio, Responsible for Paks Nuclear Power Plant⁵

2014-2017 – Mayor of the City of Paks

ENERGY SECTOR ROLE/S

1986-2009 – various roles, Paks Nuclear Power Plant

2009-2010 – Chief Executive Officer, Paks Nuclear Power Plant

2010-2011 – Deputy CEO, Paks Nuclear Power Plant

2011-2014 – Managing Director, EMI-DUNA Energy Design Office Ltd.

Since 2017, **János Süli** has been the Minister without Portfolio responsible for the planning, construction and commissioning of the two new blocks at Paks Nuclear Power Plant, which is supposed to be built by Rosatom (Russia).

From 2014 to 2017, he was the Mayor of the City of Paks. Before that, he held various high-level positions at the existing Paks Nuclear Power Plant: Deputy CEO (2010–2011), Chief Executive Officer (2009–2010), Operations Director (2005–2009), Technical Director (2004–2005), Head of Department (2001–2004), Head of Sub-Department (1986–2001). Between 2011–2014 he worked as Managing Director at EMI-DUNA Energy Design Office Ltd. //

**DR. ANDRÁS ARADSZKI**

POLITICAL AFFILIATION

Christian Democratic People's Party/ Kereszténydemokrata Néppárt (KDNP)

PUBLIC OR POLITICAL ROLE/S

2014-2018 – State Secretary for Energy, Ministry for National Development⁶

2010-present – Member of Parliament

ENERGY SECTOR ROLE/S

1991-2014 – MOL

Dr András Aradszki was appointed State Secretary in 2014. He has been Member of Parliament as well as Member of the Sustainable Development Committee of the Parliament since 2010.

From 1991 to 2014 he also worked for MOL, an oil, gas and petrochemicals group operating in four countries, headquartered in Budapest. MOL Hungary is part of the MOL Group that is one of the largest companies in the Central and Eastern European region.

In several of his media appearances⁷, he emphasises the importance of nuclear energy in the Hungarian energy mix, and claims that the construction of a new nuclear power plant is inevitable. He often speaks out against the EU's climate and sustainable energy policies and proposals, like the proposal to raise the energy efficiency target to 30% for 2030⁸. //

HUNGARY



PÁL KOVÁCS

PUBLIC OR POLITICAL ROLE/S

2004 - 2009 – OECD Nuclear Energy Agency
 2009-2010 – Nuclear Energy Expert, Ministry of Transport, Communications and Energy
 2010-2012 – Deputy State Secretary, Ministry of National Development⁹
 2012-2014 – Secretary of State for Energy

ENERGY SECTOR ROLES/S

1988-2004 – various roles, Paks Nuclear Power Plant

From 1988 to 2004, **Mr Kovács** held various positions at the Paks Nuclear Power Plant. He was Head of Department, Technical Secretary of the Chief Technical Officer, Chief Technical Officer, etc. From 2004 till 2009 he worked for the OECD Nuclear Energy Agency.

In 2009-2010, he was employed by the Ministry of Transport, Communications and Energy's Department of Energy and Regulatory Affairs as a nuclear energy expert.

Between 2010 and 2012 he was the Deputy State Secretary for the Ministry of National Development, and from 2012 to 2014, he was the Secretary of State for Energy. In parallel, he was also a member of the Supervisory Board of the Paks Nuclear Power Plant until 2012.

During his career at the Ministry, the Parliament adopted a decision to extend the lifespan of the Paks nuclear power plant. In addition, the intergovernmental agreement on the construction of a new nuclear power plant in Paks was signed between the Hungarian government and Rosatom (Russia). //

ZSIGMOND JÁRAI

PUBLIC OR POLITICAL ROLE/S

ROLE/S

1998-2000 – Minister of Finance
 2001-2007 – Chairman of the National Bank of Hungary
 2010-present – Chairman of the Supervisory Board of the National Bank of Hungary

ENERGY SECTOR ROLE/S

2007-2013 - CIG Pannonia Life Insurance Ltd.
 2010-present - Member of the Board of Directors, MOL¹⁰

Zsigmond Járai has been a Member of the Board of Directors of MOL, the oil, gas and petrochemicals group, since 2010.

Previously, Mr. Járai served as Chairman of the Budapest Stock Exchange from 1996 to 1998. Between 1998 and 2000, he held the position of Minister of Finance, and became the Chairman of the National Bank of Hungary from 2001 until 2007. He founded CIG Pannonia Life Insurance Ltd. in 2007, and he was the Chairman of the Supervisory Board between 2007 and 2013.

Since 2010, he has been the Chairman of the Supervisory Board of the National Bank of Hungary at the same time as being part of MOL's Board of Directors. //



JÁNOS MARTONYI

POLITICAL AFFILIATION

FIDESZ

PUBLIC OR POLITICAL ROLE/S

1989-1990 – Government Commissioner for Privatisation
 1990-1991 – State Secretary, Ministry of International Economic Relations
 1991-1994 – State Secretary, Ministry of Foreign Affairs
 2010-2014 – Minister for Foreign Affairs

PRIVATE SECTOR ROLE/S

2014-present – Board Member, MOL¹¹

Member of the Board of Directors of MOL since 2014. **Mr János Martonyi** joined MOL after finishing his second term as Minister for Foreign Affairs of Hungary in 2014.

Before that, he was government commissioner in charge of privatisation between 1989-1990; he served as State Secretary in the Ministry of International Economic Relations between 1990-1991, and as State Secretary at the Ministry of Foreign Affairs between 1991-1994.

In 1994 he became managing partner at the law firm Baker & McKenzie in Budapest until 1998. He became Foreign Minister in 1998 until 2002, after which he returned to his previous post at Baker & McKenzie until 2009. From 1999 to 2009 he was also a Professor and Head of the Institute for Private International Law and International Trade Law at the University of Szeged. //



PÉTER HORVÁTH¹²

PUBLIC OR POLITICAL ROLE/S

2010-2013 – President of Energy Regulatory Authority, Hungarian Energy Office, Ministry of National Development
 2015-2016 – Chief Executive, National Utility Service

PRIVATE SECTOR ROLE/S

2006-2010 – International Procurement, MOL
 2013-2014 – Head of Gas Markets Division, MVM
 2013-2015 – Member of Board of Directors, MVM¹³

Until 2000 he was the Head of the Mol-Chem office in Szolnok, then from 2006 until 2010 he dealt with MOL's international procurements.

He then became the President of the Energy Regulatory Authority, the Hungarian Energy Office, in 2010.

There, as a trusted person within the Ministry of National Development, he assumed a key role in implementing the government's political goals and demands, beginning first and foremost with a cut in residential energy prices.

He was removed from his position in 2013, and was appointed as the Head of the newly formed Gas Market Division at MVM. MVM is a vertically integrated, State-owned energy group with a portfolio that covers the entire domestic energy system.

He left the post in 2014 (although he did not resign from MVM's Board of Directors until 2015) and he became the Chief Executive Officer of the newly-founded, State-owned National Utility Service (ENSZ), where he worked towards further: centralisation and nationalisation of the residential energy sector, with some, but not complete success. He left the position in October 2016. //



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János Süli: Photo courtesy of kormany.hu

Dr. András Aradszki, Photo courtesy of kormany.hu

Pál Kovács, Photo of the Hungarian Press Agency, MTI

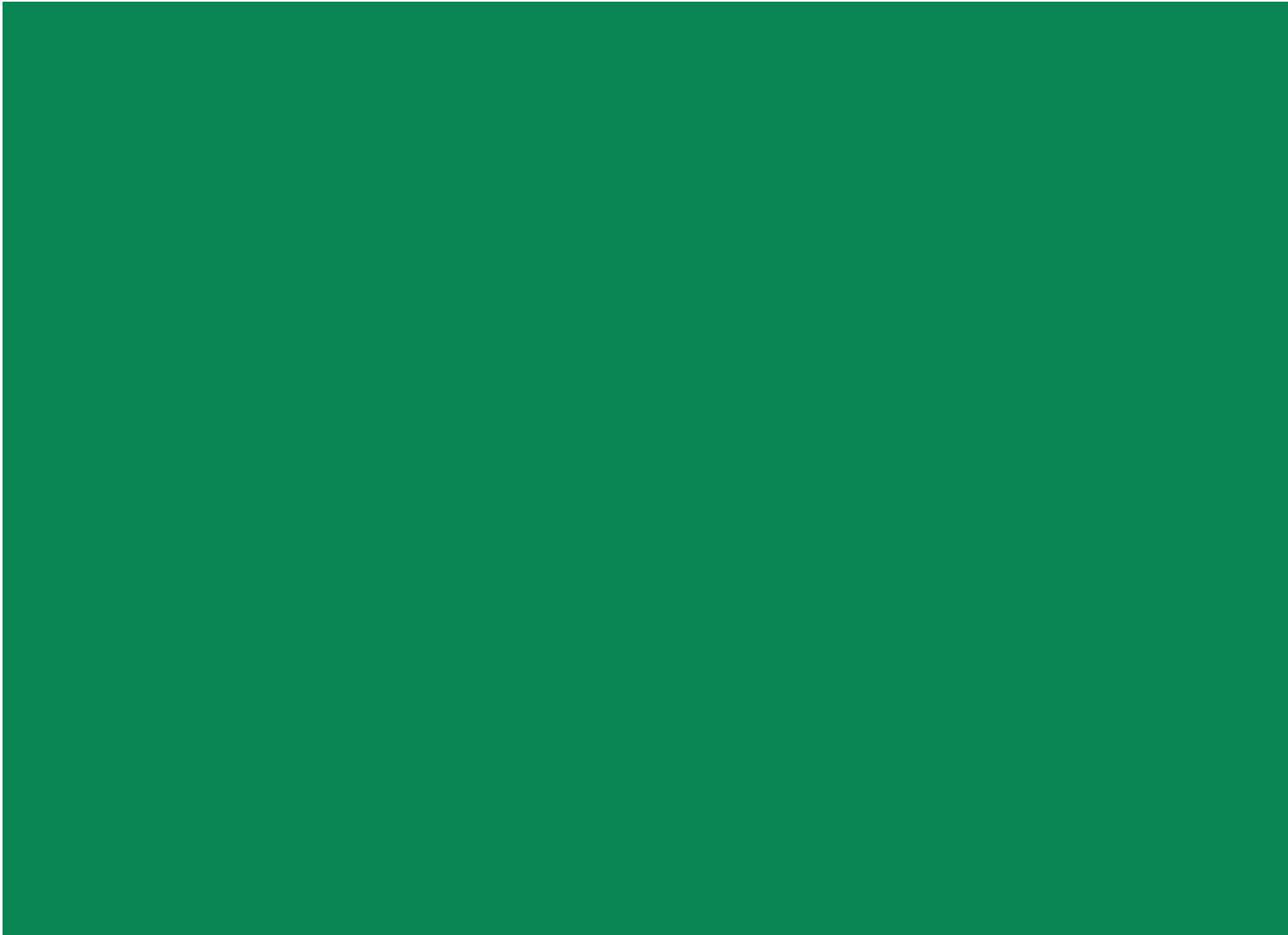
János Martonyi by Elekes Andor, CC BY-SA 4.0, https://commons.wikimedia.org/wiki/File:Martonyi_J%C3%A1nos_-_2016.jpg

Péter Horváth © Túry Gergely, hvg.hu

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THE REVOLVING DOOR IN CLIMATE POLICY IN ITALY

The revolving door in climate policy in Italy

AUTHOR

ALESSANDRO ZAGARELLA

The ‘Revolving door’ is a phenomenon known in most democratic systems with different names, and in Italy it is referred to as “porte girevoli” although it is not comprehensively regulated at national level¹. In Italy, the rules that exist on the revolving door are narrow in scope and apply only to civil servants who have had authoritative or negotiating powers on behalf of the public administration.

In theory, professional mobility - and the resulting transfer of skills held by public officials to the private sector - is a practice that would produce two benefits: improving the competitiveness of the system, since it prevents the ossification of the public administration and contributes to the professional growth of individuals, who can gain experience and improve their knowledge.

In practice, however, the revolving door also needs limits for two key reasons: the first is to prevent any conflicts of interest from distorting competition between companies when the former public sector employee uses their knowledge, information and contacts for the benefit of the company he/she works for. The second is the need to avoid the risk of “brain drain” from the public to the private sector, influencing the efficiency of the administration, which could be deprived of key figures without the possibility of finding adequate replacements quickly enough.

In Italy, interest representation is essentially based on confidential relations between private sector heavyweights and public decision makers². Even if the Italian legal framework specifies incompatibilities between some public offices and some top positions in the private sector, revolving doors is one of the most common phenomena in Italy. Different Members of Parliament, after the end of their mandate, have become professional lobbyists, such as Irene Pivetti or Italo Bocchino. It is also common to see relevant advisors of the Government ending their experience and

Although Italy’s economy is of a comparable size to that of Spain, between 2014 and 2016, over € 17 billion has been given in fossil fuel subsidies in Italy, whereas in Spain this was only €1.8 billion [...]

deciding to open up their own lobbying firms, such as Claudio Velardi, who from 1998 to 1999 was advisor to Prime Minister Massimo D’Alema and then became founder of Reti.

— Revolving door rules in Italy

In Italy, rules on the ‘revolving door’ can be found in Law No. 190/2012, on “Provisions for the prevention and repression of corruption and illegality in the public administration”, but these provisions only apply to civil servants, and do not cover Members of Parliament or Members of the Government.

This law introduced a relevant amendment to Article 53 of the legislative Decree No. 165 of 2001 to regulate the revolving door. The aim of the provision is to avoid the risk that, during the period of service, the public employee can take advantage of their role within the administration to obtain a position working at the company or the private entity with which they come into contact as part of their duties.

The rule establishes that civil servants who, during the last three years of service, have exercised authoritative or negotiating powers on behalf of the public administrations cannot have, in the three years following the termination of the work relationship with the public administration, any independent or subordinate employment relationship with private subjects who have been the recipients or subjects of public administration activities such as legal provisions, contracts or other agreements.



In addition, there are a couple of independent Authorities that are regulated by a dedicated legal framework aimed at avoiding conflicts of interest deriving from potential influences of the private sector on the public sector and vice versa. An interesting example is the current legislation that regulates AEEG (Energy Authority) and AGCOM (Communication Authority), which provides for a four-year cooling off period for those who want to move from the independent Authority to private companies.

Italy's National Anti-Corruption Plan also mentions that “public administrations, public economic bodies and private bodies, in an attempt to avoid conflicts of interest, are required, pursuant to Article 53, paragraph 16 ter, of the legislative decree No. 165/2001, to issue internal directives that prohibit people from working (in subordinate or self-employment) for the recipients of measures or contracts that were concluded by the employee, during the three years following the termination of their work relationship”.

At the regional level, eight Regions have regulated lobbying and some of these acts specifically also cover revolving doors. This is the case of the Abruzzo Region, which in article 4 of its Regional Law No. 61/2010, provides for a period of inactivity of two years for Members of the regional government or members of the Council, who are not allowed to be part of the register of lobbyists during that time. The same provision has been established also in the Calabria Region with Regional Law No. 4/2016, not only for Members of Government and Council but also for high-level public officials, and in the Lombardia Region with Regional Law No. 17/2016, though it only covers the members of the Council. In all these cases, however, no sanctions have been put in place for violations of the law.

— Conclusion

The peculiarity of the Italian case lies in the fact that the presence of rules does not always guarantee their effective implementation and respect. As also underlined by scholars³, the Italian legal framework for regulating the relationship between public de-

cision-makers and lobbyists is quite schizophrenic: even existing rules can be circumvented or not respected, given the absence of sanctions. More importantly, there are no regulatory provisions aimed at limiting revolving doors for Members of Parliament and government, who also maintain a high level of influence in the public administration even after the period immediately following the end of their mandate. More comprehensive regulation of the revolving door in Italy would therefore be desirable.

Another issue to be considered is the importance of publicly owned energy companies, which, without doubt, have preferential access channels to public decision-makers and also in the recruitment of public officials. In the absence of any specific lobbying regulation, this gives rise to unclear situations and to relevant information asymmetries in the decision-making processes, including on climate change policies. It is therefore feasible that the decision-making process about environment and climate change could be more permeable to the interests of Italian State-owned companies, who might be capable of shaping national climate change policies in line with their energy needs and pollution permits.

Hard data is lacking on the specific impact the revolving door could be having on energy and climate policy in Italy, but if one looks at the 2018 Climate Change Performance Index⁴, which reflects a country's efforts towards an energy-efficient, low-carbon society, Italy is ranked in 26th place out of 60, achieving only a “Medium” score. It is also worth noting that, although Italy's economy is of a comparable size to that of Spain, OECD figures from 2016 show that almost €13 billion was provided in fossil fuel subsidies in Italy, whereas in Spain this was just over €2 billion⁵. //

ITALY

6 revolving door cases

**CHICCO TESTA****POLITICAL AFFILIATION**

PCI (ITALIAN COMUNIST PARTY)-PDS (LEFT DEMOCRATIC PARTY)

PUBLIC OR POLITICAL ROLE/S

Member of the Chamber of Deputies

ENERGY SECTOR ROLE/S

1994-1996 – President of ACEA

1996-2002 – President of ENEL

2010-2011 – President of Nuclear Energy Forum

2015 – President of Sorgenia Spa

After being the President of Legambiente Italia for 7 years, in 1987 Chicco Testa began his career as a Member of the Chamber of Deputies for two legislatures, from 1987 to 1994. After the end of his mandate, his career as top manager of several energy sector companies in Italy started. He was nominated president of ACEA (Agenzia Comunale per l'Elettricità e l'Acqua) between 1994 and 1996 and later the President of ENEL (Ente Nazionale per l'Energia Elettrica) from 1996 to 2002. He was Managing Director at Rothschild Italia from 2002 to 2012. From 27 July 2010 until 13 June 2011, he was President of the Italian Nuclear Forum, an association founded by Enel and EDF to promote a return to the use of nuclear energy in Italy⁶. Since 2015, he is the President of Sorgenia, an Italian renewable energy company. //

**PASQUALE SALZANO****PUBLIC OR POLITICAL ROLE/S**

1999-2013 – Diplomatic official

2017 – Italian Ambassador to Qatar

ENERGY SECTOR ROLE/S

2014-2017 – Executive Vice President Eni

Pasquale Salzano began his diplomatic career in 1999. In 2011 he was seconded by the Ministry of Foreign Affairs at Eni as head of International Institutional Relations and head of the Eni office in the United States. In 2014 he was appointed Senior Vice President and subsequently joined the Eni Management Committee as Executive Vice President and Director of Institutional Affairs⁷. Since 2017, he is the Italian Ambassador to Qatar. //



GIANLUCA COMIN

PUBLIC OR POLITICAL ROLE/S

1998-1999 – Head of the Press Office of the Ministry of Public Works and spokesman for the Minister

ENERGY SECTOR ROLE/S

1999 - 2002 – Director of External Relations at Montesidon
2002-2016 – Director of External Relations at Enel Group

Gianluca Comin is the founder of Comin & Partners, a Communication and Public Relations company, focused on government affairs, communication, media relations and crisis communication.

Previously, until June 2014, he was Director of External Relations of Enel Group and Board member of Endesa S.A., a Spanish electricity company that is part of the Enel Group. He began his career at Enel after having been Head of the Press Office of the Ministry of Labour and spokesman for the Minister from 1998 to 1999.* Between 1999 and 2002 he was Director of External Relations at Montesidon. //

FRANCESCO LUCCISANO

PUBLIC OR POLITICAL ROLE/S

2014-2016 – Head of the Technical Secretariat of the Minister of Education, University and Research and Cabinet of Minister of Foreign Affairs

ENERGY SECTOR ROLE/S

2011-2013 – Enel
2016 – Chief of External Relations Anonima Petroli Italiani, API

From 2011 to 2013 at ENEL, starting from 1 March 2016 Francesco Luccisano then joined API, assuming responsibility for external relations. From 2014 to 2016, Luccisano worked for the Government, first as Head of the Technical Secretariat of the Minister of Education, University and Research, where he was responsible for reforming the schools, and then in the Cabinet of the Ministry of Foreign Affairs.º //

ITALY



LAPO PISTELLI

POLITICAL AFFILIATION

DEMOCRATIC PARTY (PD)

PUBLIC OR POLITICAL ROLE/S

2004-2015 – Member of the Chamber of Deputies
2013-2015 – Deputy Minister of Foreign Affairs

ENERGY SECTOR ROLE/S

2015 – Executive Vice President ENI

In 2009 **Lapo Pistelli** was a candidate for primary election for the Democratic Party and ran for Mayor of the City of Florence, obtaining 26.91% of the vote and arriving behind Matteo Renzi. Re-elected to the Chamber of Deputies in 2013, he was then appointed Deputy Minister of Foreign Affairs and International Cooperation, a position he maintained within the Letta and Renzi Government.¹⁰

On 15 June 2015 he announced that he was abandoning political life and resigned on the same day from his post as Deputy Foreign Minister, and, fifteen days later, he also quit the Chamber of Deputies. On 1 July 2015 he became Senior Vice President of Eni, responsible for strategic analysis and business development support. On 17 April 2017 he became Executive Vice President of Eni and was appointed Director of International Relations. //

GIOVANNANTONIO MACCHIAROLA

POLITICAL AFFILIATION

NEW CENTRE RIGHT (NCD)

PUBLIC OR POLITICAL ROLE/S

2011-2013 – Secretary of the Deputy President of the Council of Ministers
2013-2016 – Head of the Internal Affairs Minister's Secretariat

ENERGY SECTOR ROLE/S

2017 – Executive at ENI

Closely linked to the leader of New-Democratic Centre Party, Angelino Alfano, **Giovannantonio Macchiarola** worked as his assistant when Alfano was Minister of Law and Justice (2008-2011), Deputy President of the Council of Ministers (2011-2013) and Minister of Internal Affairs (2013-2016). In 2017, with Alfano's new role as Minister of Foreign Affairs, Macchiarola began his career at Eni, in the security division. //



PHOTO SOURCES AND CREDITS

Chicco Testa: © Chicco Testa, CC BY-SA 2.5 it (https://it.wikipedia.org/wiki/Chicco_Testa#/media/File:Chicco_Testa.JPG)

Pasquale Salzano: © MACI (https://ambdoha.esteri.it/ambasciata_doha/it/ambasciata/ambasciatore)

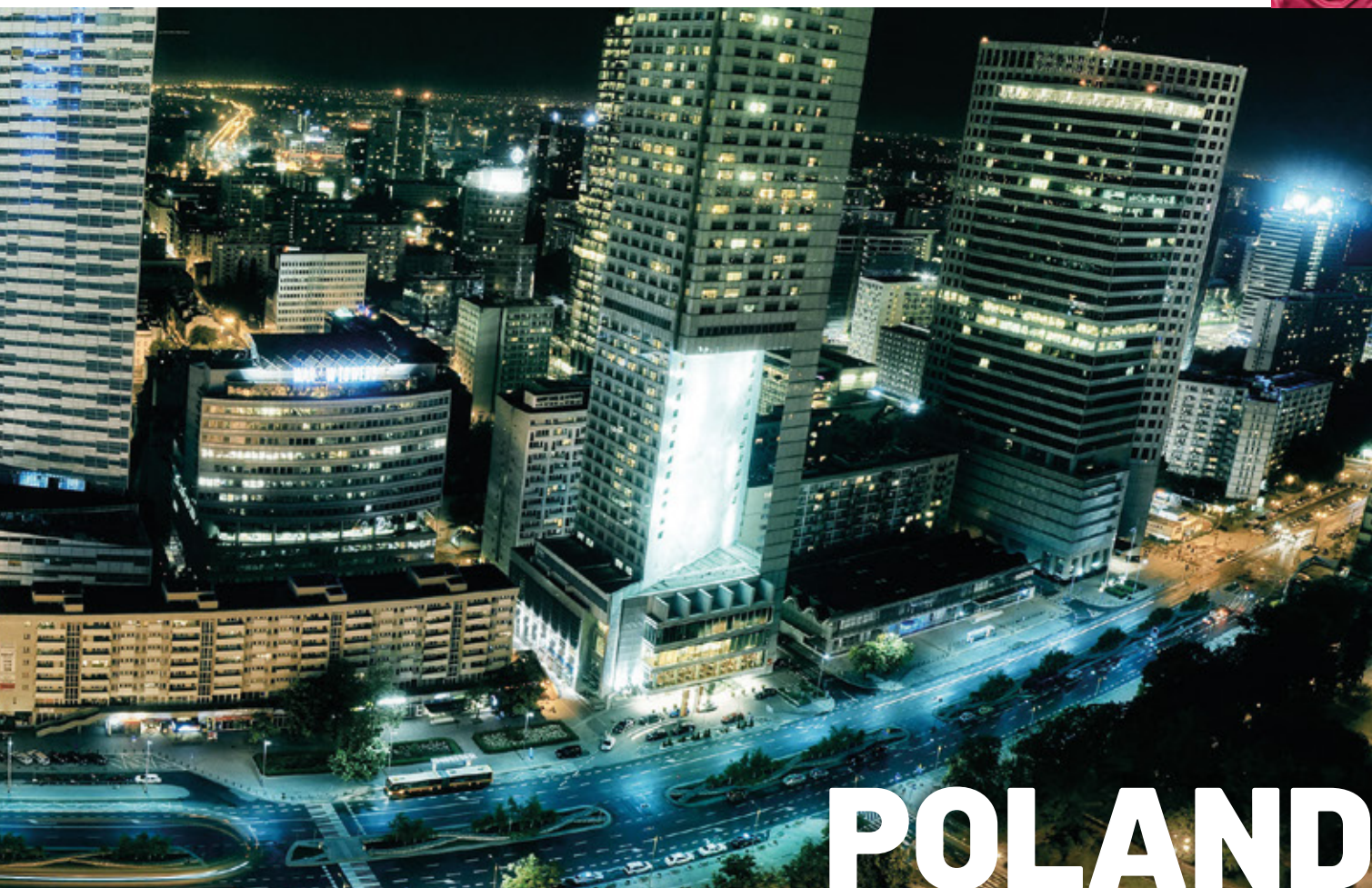
Lapo Pistelli: © Camera dei deputati CC BY 3.0 (<http://dati.camera.it/it/linked-data/>)

ENI Monza Rally Show 13-55-20 by Luca Mascaro CC BY-SA 2.0

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THE REVOLVING DOOR BETWEEN POLITICS AND DIRTY ENERGY IN POLAND: A GOVERNMENTAL-INDUSTRIAL COMPLEX

The revolving door between politics and dirty energy in Poland: a governmental-industrial complex

AUTHOR

DR. KACPER SZULECKI

UNIVERSITY OF OSLO

— Revolving doors and conflicts of interest in Poland

With regards to conflicts of interest in Poland, there are rules which prevent elected politicians such as Members of the Polish Parliament's lower chamber, the Sejm, from combining their function with business sector positions. High level political figures in government administrations – Ministers and Deputy Ministers – are forbidden from sitting on supervisory boards. In the private sector, energy companies often have contractual clauses which prescribe a period during which a former manager cannot move to a competing energy company.

When it comes to revolving doors, the scale of the problem in Poland is unknown – the public authorities do not gather data on this, and NGOs have reported difficulties in measuring it, although it is assumed that the scale is large. Poland does have legal restrictions on passing through the revolving door – currently the 'cooling off' period for civil servants, Ministers, local and regional level politicians entering the private sector is 1 year. A 2017 draft bill on Transparency in Public Life proposes to increase that period to 3 years. However, for an analysis of revolving doors in the energy sector, two points need to be highlighted.

Firstly, under the existing law, all public sector employees and politicians that are subject to restrictions can actually apply for a shortening of the 'cooling off' period, and the decision is taken by a special Commission operating under the Prime Minister's Chancellery. Little is known about the functioning of this Commission, but transparency watchdogs have managed to establish

that most applicants do get permission to shorten their 'cooling off' period.¹

Secondly, and more importantly, the ownership structure of the Polish energy sector blurs the clearness of the revolving door problem² – in fact, in many of the cases described below, public administrators, experts and the public opinion might not see a problem at all.

However, Poland is also one of the EU countries with the least ambitious climate protection policies, having achieved a "low" ranking in the 2018 Climate Change Performance Index³. In October 2017, the Polish government even launched a legal action against the European

Poland is also one of the EU countries with the least ambitious climate protection policies, having achieved a "low" ranking in the 2018 Climate Change Performance Index

Commission – as did Bulgaria – in order to overturn the recently adopted new EU pollution standards for European power stations⁴. Although these relate to air pollution standards, it still shows a complete unwillingness to impinge on the coal industry in any way, and fits with both countries' opposition to ambitious climate policy at EU level. Poland is also home to the EU's most polluting coal plant in terms of CO₂ emissions, the world's largest lignite plant "Bełchatów"⁵.

— Poland's State-energy nexus

Poland's major energy companies are all State Treasury companies, which means that although they are all joint stock companies whose stock is traded on the exchange, the State owns a majority of their shares or is legally controlling them in some way. Currently (as of 20 March 2018), State Treasury holds 70.83% of the shares of the national gas giant PGNiG, and a large part of the shares in the national oil companies Grupa Lotos (53.19%)



and PKN Orlen (27.52%). Among the major utilities in the power sector, PGE (58.39%), Energa (51.52%), Enea (51.5%), Tauron (30.06%) and Bedzin (5%) are all 'State companies' and together they control over 75% of the market, which leads even the most moderate mainstream energy analysts to call this setup an oligopoly.⁶ The State also owns 55% of the shares in one of the largest coal mining companies.

The status of these companies is permanently contested. Formally market actors, they are under the arbitrary control of the government, and often have to operate according to logics which are contrary to profit maximisation for shareholders and to economic efficiency. One example is the way the Tusk government charged Krzysztof Kiljan, upon his nomination as Head of PGE, with the task of steering three energy mega-projects at the same time: the building of Poland's first nuclear power plant, shale gas exploration and the finalisation of the construction of the Opole hard coal plant expansion (he was dismissed when he decided to stand by the economic logic of the company and the shareholders' good).⁷

Since 2016, the PiS government has attempted to change the statutes of the four major (and partly State-owned) energy companies, introducing a point saying that they constitute an 'instrument of national energy security'. This change implied that they would no longer be subject to economic, market-logic but might be forced to follow decisions made according to the 'national energy security' interest, left undefined. Changes were introduced by the PiS-loyal company leadership in the statutes of three of the four companies, but when the issue became more public, the move was not accepted by the board of the last company, Tauron.⁸

State ownership is also the cause of very unclear boundaries between the public administration, politics and the energy sector. During the transition from communism, Poland has seen only a gradual development towards a professional civil service as most public institutions remain politicised and each election brings significant staff changes on all levels. The political system is also poorly institutionalised, with professional politicians constituting only a small group. Public opinion is somewhat sceptical of the idea of 'professional' politics

conducted by politicians whose career starts in a party youth organisation and then proceeds to Parliament and government – as this is associated with communist era careerism. Calls for technocratic 'governments of experts' are often popular, which also means that Ministers do not have to have a parliamentary mandate (they are often not elected politicians) but it is seen as a good thing if they have experience from the issue area that they are to govern. Hence, doctors often become Health

Since State companies are under the control of the government, they are also used for different gratification practices which in other contexts could be interpreted as nepotistic or corrupt

Ministers, and experience in the energy sector is seen as valuable in the Ministries dealing with energy (for example the Energy, Economy, Treasury or Environment Ministries).

Since State companies are under the control of the government, they are also used for different gratification practices which in other contexts could be interpreted as nepotistic or corrupt. Firstly, while Ministers and their deputies cannot sit on State company supervisory boards, Directors of ministerial departments and other civil servants can. Their formal role there is to safeguard the interests of the State Treasury, and Stanislaw Kazimierz Habda, a professional civil servant currently in the Energy Ministry is an example of such oversight, sitting on several boards over the last decade. However, board membership is also lucrative and is used as a premium for loyalty within Ministries. Furthermore, as we shall see, sitting on boards is also often an anchor for future positions in the company itself.

While the revolving door problem often goes unnoticed in Poland, and might be denied given the 'public' function of State energy companies, what does cause media outrage is the common practice of post-election 'sweeping' of all management and supervisory boards to repopulate them with politicians, trusted associates, clients and family members. This problem is signaled in the cases described below, but only in passing, since it is not directly related to the revolving doors problem.

The following analysis is based on a desktop survey of all major power, oil, gas and mining sector companies in Poland, as well as of the Ministries of Energy, Finance, Development and Innovation (Ministries of Treasury and Economy were disbanded in 2016) and also the regulator's office for cases of revolving door passages in both directions. They are divided into categories according to the way the door has turned. The focus is on appointments in the last 10 years, especially under the previous and current government. Some of the cases described are not ideal-typical instances of the revolving door problem – e.g. the 'private sector' is not really 'private', or sometimes there is a longer lag between shifting roles. However, they have been selected to illustrate various systemic problems in Poland's energy governance and they all involve a transgression of roles – between the legislative/regulatory side and the company/for-profit side.

— Conclusions and implications for climate policy and UN transparency guidelines

The analysis confirmed that switching roles between public administration and/or politics and managerial positions in the coal/oil/gas sector in Poland is a fairly common phenomenon. Interestingly, private energy sector companies (e.g. Innogy Poland, Bogdanka SA) do not seem to attract employees with public administration or political backgrounds, and are managed by energy/business professionals. It is also striking that although Poland ranks highly above the OECD average in the share of women in managerial positions, there are no women in the revolving door cases found.

The implications of the situation for Poland's climate policy ambitions are profound. Most importantly the total lack of a clear border between the State (government) and the energy sector means that regulatory capture is a default position for Polish energy policy. The government is designing energy policy in the name and in the interest of the largest utilities, simply because

their interest is seen as the national interest, equated with the 'public good'. There are no incentives for challenging this setup, e.g. by liberalising the energy market, since State companies and their boards play an important role in Poland's government and administrative practices, and their profits translate to direct transfers to the State budget.

Board membership is also lucrative and is used as a premium for loyalty within Ministries. Furthermore, as we shall see, sitting on boards is also often an anchor for future positions in the company itself

As Poland's energy sector is based on fossil fuels, mostly coal in electricity generation, ambitious climate policy and emissions reductions are seen as a threat to the incumbents. The degree of overlap between politics, administration and the energy business illustrated below clearly explains Poland's low ambitions in EU energy and international climate negotiations. The constant circulation of managers, many of whom are politicians without knowledge and experience in energy, makes them focus on corporate management, rather than on strategic energy policy (which Poland visibly lacks). When top managers are politically designated and lack a vision and idea for the future of the companies they steer, lower-level energy sector experts, often used to 'the way things are normally done' can overwrite any political initiatives for change. Sectoral inertia plays a very important role (see the case of Mr. Woszczyk).

More transparency is certainly needed, and Poland's own domestic legislation is moving in that direction. However, the problem here is most importantly the political economy of the energy sector – the symbiosis between the State, those currently in power, a growing circle of elites which includes former government members and opposition politicians, and State-run energy companies – a deeply entrenched coalition which is very difficult to move. //



7 revolving door cases

THE GREAT REVOLVERS

Individuals who have passed through the revolving door more than once, switching between politics, administration & business



PIOTR WOŹNIAK

POLITICAL AFFILIATION

LAW AND JUSTICE (PIS)

PUBLIC OR POLITICAL ROLE/S

1990-91 – Advisor to Minister of Agriculture & Minister of Industry
 1992-1996 – Trade advisor in the Polish Embassy in Canada
 1992-1996 – Advisor to the Minister of Infrastructure
 2002-2006 – Warsaw Municipal Council Member
 2005-2007 – Minister of Economy
 2009-2014 – Chair, Administrative Board of the Agency for Cooperation Energy Regulators (ACER)
 2011-2013 – Deputy Minister of Environment, National Head Geologist
 2014 – Vice-chair, Administrative Board of ACER

ENERGY SECTOR EMPLOYMENT

1999-2000 – Member of the supervisory board, PGNiG
 2000-2001 – Vice-president, PGNiG
 2015 – Member of the supervisory board, acting President and President, PGNiG

Piotr Woźniak is a geologist and has served in different political and administrative roles, while in 2015 he returned to the Polish national gas champion, PGNiG (Polskie Górnictwo Naftowe i Gazownictwo – Polish Petroleum Mining and Gas Industry).⁹ A member of the Law and Justice Party, he was Minister of Economy in the cabinets of Prime Ministers Kazimierz Marcinkiewicz and Jarosław Kaczyński. In the cabinet of Donald Tusk he became Deputy Minister of Environment and National Head Geologist – an administrative function which plays a key role in (shale) gas regulation and exploration regimes.¹⁰ After PiS took power in 2015, he entered the supervisory board of PGNiG as a representative of the State Treasury and only one week later took over as acting President, to be installed as President two months later. //

POLAND

FROM FROM THE REGULATOR TO ENERGY

MAREK WOSZCZYK

PUBLIC AND/OR POLITICAL ROLES

1998-2011 – Different positions, last – Vice-President, Energy Regulation Office

2011-2013 – President of the Energy Regulation Office

ENERGY SECTOR EMPLOYMENT

2013-2016 – President of the management board, PGE

2016 – President, PGNiG Upstream

Woszczyk's case is unusual in the Polish context, though it is a clear example of the revolving door problem between public administration and the energy sector. Woszczyk was a professional civil servant and throughout his career he worked for the national regulator (which in the Polish energy governance system is the only institution formally charged with representing individual consumers' interests and using societal welfare as a benchmark). He won a competitive appointment procedure and became the President of the Energy Regulation Office, URE. As the head of the national regulator, he was "a strong proponent of innovation, prosumerism, smart grids". He regretted the cumbersome process for connecting small installations to the grid. "I believe the obstacle is a particular mental barrier – resistance from the incumbent companies who keep functioning according to the same traditional model of centralised energy production for years" – he said in an interview.¹¹

In 2016 he moved directly from the office regulating the energy sector to the largest energy sector company, PGE. Asked if he does not see this as a conflict of interests, the then Treasury Minister Karpinski stated that "if professionals run companies, I have nothing against it".¹² However, when Woszczyk took charge, it turned out that the institutional inertia was too difficult to overcome. He stepped down in March 2016, mostly due to the post-electoral pressure on State-owned company positions from the PiS government. After just one day he became president of PGNiG Upstream International, the part of PGNiG group that is responsible for international petroleum exploration.¹³ //

THERE AND BACK AGAIN

Individuals who worked for energy companies and returned there after working in government administration

HENRYK BARANOWSKI

POLITICAL AFFILIATION

FORMER MEMBER OF LAW AND JUSTICE GOVERNMENT

PUBLIC AND/OR POLITICAL ROLES

2015-2016 – Deputy Minister of Treasury

ENERGY SECTOR EMPLOYMENT

1990-2001 – National Transmission System Operator – PSE

2001-2006 – President of the board, PSE-Info

2006-2008 – Vice-President at PGE

2013-2015 – Alstom Energy

2006-2015 – Member of the supervisory boards of PGE Energia, PSE-Operator and Tel-Energo, member of the management board of the Polish Electrical Energy Committee

2016 – Member of the management board, PGE

Baranowski is an electrical engineer, his career began in PSE – Poland's national and fully State owned Transmission System Operator (TSO). Though the company is formally a joint-stock company, the state holds 100% of its shares, and it performs important administrative functions and services which make it a hybrid between the energy sector and public administration. Baranowski later moved on to other energy companies, and in 2015-2016 was appointed deputy Minister of Treasury, charged with supervising State-owned energy companies. He resigned from the office on 2 March 2016 and on 22 March was appointed member of the management board of PGE.¹⁴ //



FILIP GRZEGORCZYK

POLITICAL AFFILIATION

FORMER MEMBER OF LAW AND JUSTICE GOVERNMENT

PUBLIC AND/OR POLITICAL ROLES

2006-2007 – Advisor to the Minister of State Treasury

2015-2016 – Undersecretary of State, Ministry of State Treasury

ENERGY SECTOR EMPLOYMENT

2007-2008 – Deputy President of the management board, TAURON

2011-2014 – Board plenipotentiary for energy policy, Kompania Węglowa (Coal Company)

2011-2014 – Director for corporate management, Wegłokoks

2016- President, TAURON

A lawyer and political scientist, attorney and professor of the Jagiellonian University and later the Krakow University of Economics (he maintains this affiliation since ca. 2007), **Grzegorzycyk** holds a doctorate in European Law and a habilitation in trade law. Apart from his academic career, he was involved with the fossil energy sector since 2007, first at one of the “big four” energy companies – TAURON, and later with the national hard coal sector giant, Kompania Węglowa. He served a brief stint in 2006 as advisor to the Minister of Treasury, after which he went back to the private sector. He again had a short episode in the Ministry of Treasury in the Cabinet of Prime Minister Beata Szydło in 2015, after which he became the President of TAURON.¹⁵ Linked to the Law and Justice Party for many years, his career in State energy companies has been described as an element of the faction wars within the party, with Grzegorzycyk linked to the dismissed Treasury Minister Dariusz Jackiewicz.¹⁶ //

FROM POLITICS TO ENERGY



ALEKSANDER GRAD

POLITICAL AFFILIATION

CIVIC PLATFORM (PO)

PUBLIC AND/OR POLITICAL ROLES

2001-2007 – Member of Sejm, PO

2007-2011 – Minister of Treasury

2011-2012 – Member of Sejm, PO

ENERGY SECTOR EMPLOYMENT

2012- President of PGE Nuclear Energy and PGE EJ1 (Nuclear Plant 1), TAURON

2014-2015 – Supervisory board member, Warsaw Energy Exchange

2014 – 2015 – Deputy President, TAURON

2016 (February to June) – President of the board Pątnów-Adamów-Konin power plants

A member of Civic Platform (PO) and associate of Donald Tusk, **Grad** became the Minister of Treasury and directly supervised State and partly State owned energy companies. It was not seen as a problem for the ruling party to watch him switch from democratically elected legislature and a regulatory function in the Executive straight to the sector he was previously tasked with regulating – after the 2011 elections he did not return to the Ministry, resigned from his mandate and became Director of the sub-company of PGE responsible for building Poland’s first nuclear power plant.

Tusk suggested that “the involvement of State and strict political supervision on the nuclear project is absolutely necessary”¹⁷. Grad’s position was meant to create a kind of personal union between the State and the energy sector, which was also expressed in his own words: “Building Ener-

POLAND

gy security is costly and the role of the State is to design market regulations in a way that minimise market risks [for the Energy companies]”¹⁸.

It soon became obvious that this unclear amalgam of public and private sector incentives was not giving the right results, and Grad was unable to create a consortium which could handle the nuclear project. In January 2014 he resigned from his seat at PGE and already in February got a position at the competitor company – TAURON.¹⁹ He managed to negotiate a very beneficial non-competition clause, which allowed him to switch to another energy company in 2016, only 6 months after stepping down from his position at TAURON, and also obliged the latter to pay him some 560,000 PLN (roughly €120,000) compensation. In 2018 he filed a lawsuit against TAURON for failing to pay the agreed sum.²⁰ //

WOJCIECH JASIŃSKI
POLITICAL AFFILIATION

LAW AND JUSTICE (PIS)

PREVIOUS PUBLIC AND/OR POLITICAL ROLES

1973-80 – Civil servant, Plock City Council

1992-1997 – Civil servant at the Supreme Audit Office (NIK)

2000-2001 – Deputy Secretary of State, Ministry of Justice

2001-2007 – Member of Sejm, PIS

2006-2007 – Minister of State Treasury

2007 (September) – Secretary of State, Ministry of State Treasury

2007-2015 – Member of Sejm, PIS

ENERGY SECTOR EMPLOYMENT

2015-2018 – President of PKN Orlen

A lawyer and administrator by training, **Jasiński** was involved in local level politics since the 1970s when he entered the Polish United Workers’ Party (PZPR – communist). After the transition, he became involved in the conservative-right political current around Lech and Jaroslaw Karzynski, serving in the Supreme Audit Office and the Ministry of Justice under Lech Kaczynski, and later as Minister of State Treasury under Prime Ministers K. Marcinkiewicz and J. Kaczynski. In the meantime, he was head of a private company which has financed the development of Law and Justice.

He was elected to the Sejm in 4 elections. In 2006 as Minister of Treasury he supported a contract between PGNiG and RosUkrEnergO for gas deliveries to Poland until 2022, which was heavily criticised by the opposition and by some energy analysts.²¹

Soon after getting elected to the Sejm again in 2015, he resigned from his MP mandate and was nominated the President of the national oil company PKN Orlen – the supervisory board removed him from this position in February 2018, most likely due to the proposed merger of Orlen with the other national oil champion, Lotos.²² His nomination to the function without any prior experience in the oil sector coupled with the high salary have stirred up controversy in the mainstream media. Described as a “friend of Kaczynski’s”, he is often portrayed as an illustration for PIS nepotism in State owned companies.²³ //

JACEK KOŚCIELNIAK

POLITICAL AFFILIATION

LAW AND JUSTICE (PiS) (UNTIL 2007)

PUBLIC AND/OR POLITICAL ROLES

1998-2002 – Director, financial department, Silesian Voivodship Office

2005-2007 – Member of Sejm, Law and Justice

2007 (January to November) – Secretary of State, Chancellery of the Prime Minister

2007-2011 – Vice-President of the Supreme Audit Office (NIK)

2011-2016 – Supreme Audit Office (NIK)

ENERGY SECTOR EMPLOYMENT

December 2016-January 2017 – Member of supervisory board, acting President Energa

January 2017 – Vice-President in charge of finances, Energa

Kościelniak is an accountant, and after a career in both the private and public sectors, he entered politics with a PiS membership and soon secured a Sejm mandate in the national elections. After a period in the administration of the Prime Minister J. Kaczyński's Chancellery, he was appointed Vice-President of the Supreme Audit Office (SAO) shortly before PiS had to hand over power following snap elections (Kościelniak was not reelected and had to resign from PiS membership to get the Supreme Audit Office appointment). After four years he stepped down from the leadership position but remained in the SAO.²⁴

After PiS returned to power, he was appointed to the supervisory board of Energa, and a month later became acting President and soon after that, Vice-President.²⁵ Known for his ultra-conservative views, Kościelniak made the headlines when he initiated a Holy Mass in which the employees of Energa entrusted the company to the Virgin Mary.²⁶ His example is given as an illustration of the post-electoral 'storm' on State-owned companies, in which political loyalty is the only selection criterion.²⁷ //



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SPAIN

**REVOLVING DOORS IN SPANISH CLIMATE
AND ENERGY POLICY**

Revolving doors in Spanish climate and energy policy

AUTHOR

ÓSCAR REYES

— Scale of the problem

The “revolving door” phenomenon in Spain involves Ministers and high-ranking political appointees moving from government and public administration directly into the private sector, generally as board members of major companies. This practice creates fertile ground for corruption and influence-peddling. It is particularly an issue with Spain’s major utilities and oil and gas companies because a large part of their business relies on State infrastructure and on the award of public contracts. Close political ties also help these companies to put pressure on the government to ensure that laws and regulations are favourable to their interests.

The scale of the revolving door problem is considerable. In 2016, 58 former Ministers and senior party officials held posts as Directors or senior officials of companies belonging to the Ibex 35, the stock market index of Spain’s leading companies.¹ The energy sector was the most heavily represented, with its 26 company directors accounting for more than half of the total number of politicians passing through the revolving door to the private sector. These 58 company directors are paid over €18 million, annually.

The revolving door between politics and the boards of large companies is a long standing issue. A review by El Diario newspaper found that almost half of the government Ministers who have served since the return of democracy in 1977 (71 of 176 Ministers) have gone on to work for and advise major private companies after they left office, mostly as company Directors.² Endesa, Gas Natural and Repsol were the companies most heavily represented on this list.

In some cases, the door has also revolved in the opposite direction, with Executives and board members passing into government – a symptom of the close ties that exist between Spain’s political and business elites. As well as the potential impact on climate and energy

policy, board positions in energy companies (notably, the partly public company Red Eléctrica) are used to provide lucrative rewards to politically-connected individuals and to their spouses.

— Failures in the rules

In March 2015, with the Partido Popular (PP) government facing pressure over a number of high-profile corruption cases, the Spanish Parliament updated legislation to regulate the appointments of senior officials (Ley 3/2015).³ The revised law was supposed to ensure that senior officials could not hold positions in private sector companies affected by decisions in which they had had a role, for at least two years.

[...] almost half of the government Ministers who have served since the return of democracy in 1977 (71 of 176 Ministers) have gone on to work for and advise major private companies after they left office, mostly as company Directors

Yet the revolving doors between high public office and the private sector remain in operation. Between 2015 and Autumn 2017, 137 senior officials were given permission to occupy positions in private companies related to their previous public duties, often without a waiting period.⁴ In some cases, the move from public office to the private sector was almost instantaneous.

A new “transparency” Law, passed in December 2014, has also been undermined by consistent failures in implementation, with the Spanish government repeatedly taking legal action to avoid disclosing information under the Law.⁵

Efforts to pass new anti-corruption legislation continue, with the Spanish Parliament currently considering



a “comprehensive law” against corruption. This could include stronger protection for whistleblowers (workers who expose wrongdoing, corruption or breaches of the law), and the establishment of a new Office of Public Integrity, responsible for enforcing the law – although the PP, in particular, is keen to water down the proposed measures.

Given Spain’s poor track record in implementing anti-corruption measures, independent oversight is vital to ensure that the revolving doors between public office and private companies are properly regulated. Even then, the existing political networks that closely tie senior politicians to the Boards of major companies would need to be broken down in order to truly tackle the problem.

Between 2015 and Autumn 2017, 137 senior officials were given permission to occupy positions in private companies related to their previous public duties, often without a waiting period

— Impacts on climate and energy policy

Spain’s energy markets have undergone considerable reforms in recent years, with successive governments passing legislation that benefits the large utilities companies that run the country’s fossil fuel and nuclear plants. These interventions have considerably damaged distributed renewable energy producers in the country.⁶

Sharp cuts to Spain’s renewable energy subsidies in 2010 and 2013, including a retroactive tax on electricity sales, the sudden scrapping of the country’s

renewable energy feed-in tariffs, and arbitrary changes to “plant remuneration rates”, have all damaged the profitability of renewable energy generation, with investments in renewables falling dramatically as a result.⁷ At the same time, reform proposals were designed to help the major utility companies to clear the large debts that they had accrued.⁸

As a result of these reforms, consumer prices also increased considerably – by an average of 9.9% per year for domestic consumers between 2008 and 2012 – exacerbating fuel poverty at the height of the country’s economic crisis.

While slashing renewable energy subsidies, the Spanish government, reportedly under pressure from energy companies, nevertheless managed to maintain a series of fossil fuel subsidies.⁹ The largest of these measures, capacity payments to keep open old coal and gas power plants, handed out subsidies of between €470 million and nearly €1 billion per year.¹⁰

At the same time, new charges and taxes have been levied on the “self-generation” of electricity in order to protect the revenues of big utility companies. The energy regulator and Spanish Competition Authority complained that additional charges for distributed generation were “anticompetitive”.¹¹

Despite this, in 2015 the Spanish government pushed ahead with a new law to implement a tax on the “self-consumption” of solar energy generated and consumed on the users’ own property.¹²

The lack of transparency makes it difficult to ascribe individual decisions to the revolving door between corporations and public office, but the overall pattern is clear: distributed renewable energy has been undermined, while legislation has been passed that favours politically connected IBEX35 companies. The net effect is disastrous: a delayed transition away from fossil fuels, which damages the climate, and a less just system that contributes to fuel and energy poverty. //



ENDESA

Endesa, the largest utility company in Spain, has consistently appointed politicians to senior positions after they leave office. **José María Aznar**, the PP Prime Minister who oversaw the privatisation of Endesa, was appointed as an “external advisor” in 2011, receiving an annual salary of €200,000 (rising to €300,000 with bonuses).¹³

Elena Salgado, a Spanish Socialist Party (PSOE) Deputy Prime Minister and Minister of Economy and Finance, became a Board Member of Chilectra, Endesa’s Chilean subsidiary, just three months after leaving public office.¹⁴

Pedro Solbes, Salgado’s immediate predecessor as Vice Prime Minister and Economy Minister, sat on the board of Enel, Endesa’s parent company, between 2011 and 2014. He has since offered a robust defense of Spain’s revolving doors between government and industry, suggesting that it would be a “disgrace” if they were prevented from operating.¹⁵

While Solbes and Salgado took up roles in Endesa once they left government, **Luis De Guindos** went in both directions. De Guindos took over from Salgado as Minister of Economy and Finance with the change of government in Spain in 2011. He was an Endesa board member immediately before becoming a Minister, having previously served as a Secretary of State for Economic Affairs in the last government led by José María Aznar. //

< Left (from top to bottom):

José María Aznar
Elena Salgado
Pedro Solbes
Luis de Guindos



GAS NATURAL

Gas Natural Fenosa, Spain's third largest utility company, has also welcomed several former politicians onto its Board. Between 2010 and 2014, these included **Felipe González** – a PSOE politician who was Spain's longest-serving Prime Minister. His four and a half year stint with the company earned him over half a million euros.¹⁶

The catalogue of politicians connected with the company includes **Cristina Garmendia** (PSOE), a former Science and Innovation Minister who has been a Board member since 2015; and Josu Jon Imaz, former President of the Partido Nacionalista Vasco (PNV), who currently serves on the Gas Natural Board of Directors as representative of Repsol oil company, which is one of the largest shareholders.¹⁷

Interestingly, in 2015 Gas Natural Fenosa also hired Benita Ferrero Waldner, who served as Austria's Foreign Minister (ÖVP, 2000 to 2004) and as European Commissioner for External Relations and European Neighbourhood Policy from 2004 to 2010.¹⁸ //

< Left (from top to bottom):

Felipe González
Cristina Garmendia

SPAIN



IBERDROLA

Iberdrola is Spain's second largest utility company. Its board members have included **Ángel Acebes**, former PP Interior Minister, indicted for corruption for his role on the board of the bailed out Bankia bank; and Manuel Marin, a PSOE politician who was formerly President of the Congress of Deputies, the lower house of the Spanish Parliament. Fernando Becker, a current board member, is known to be a close associate of current PP Prime Minister Mariano Rajoy.¹⁹

The political patronage network also extends to Iberdrola's subsidiary companies. For example, Ignacio López del Hierro sits on the board of Iberinco, a scandal-prone engineering and construction subsidiary. López del Hierro is the husband of leading PP politician (and current Defense Minister) María Dolores de Cospedal, an association that has helped him land positions on dozens of company Boards.²⁰ //

< Left:

Ángel Acebes



RED ELÉCTRICA

Red Eléctrica operates Spain's national grid. It is a partially State owned company, with 80 per cent of shares now floating on the Spanish stock market. As the company managing Spain's electricity transmission network, Red Eléctrica relies on intricate ties with the Spanish State, so it is little surprise that representatives of both of the traditional major parties are well represented as part of Red Eléctrica's corporate governance. Five of its twelve Board members have had political careers.²¹

Red Eléctrica Board membership also contributes a very lucrative retirement fund to Spanish politicians. **José Folgado**, the company President, was a PP politician who served in various ministerial roles covering the economy and energy between 1996 and 2004. After a period in local politics, he joined Red Eléctrica in 2012 and has been paid around €4 million since then.²² His predecessor, Luis Atienza, was a PSOE Minister under Felipe González – until he left Red Eléctrica with a €2.3 million pay off.

The most recent board appointee, **Arsenio Fernández de Mesa**, is a PP politician who was formerly head of the Guardia Civil police force.²³ He will be paid around €175,000 per year.²⁴ Fernández de Mesa took up the board seat left vacant by another PP politician, Agustín Conde, who returned to politics as Secretary of State for Defense.

Ignacio López del Hierro (see above) was also, briefly, appointed to the Red Eléctrica board in 2012, but had to resign in the face of public backlash.²⁵ //

< Left (from top to bottom):

José Folgado

Arsenio Fernández de Mesa

SPAIN

ENAGÁS

Enagás, like Red Eléctrica, is a (mostly) privatised company running national grid infrastructure – in this case, Spain’s network of gas pipelines.²⁶ Seven members of its board have previous political careers (six from the PP, one from PSOE). They include Ana Palacio (a former Foreign Minister), Isabel Tocino (formerly Environment Minister) and Antonio Hernández (former head of Alianza Popular, a post-Francoist party that was refounded as the PP in 1987). //

CONSULTANCIES

Maite Costa of the Socialist Party of Catalonia (PSC), a former President of the National Energy Commission, is a senior politician who walked through a well-hidden “revolving door.” She does not work directly for a utility company, but she set up a consultancy firm whose main clients include many of the largest electricity companies in Spain. As a former head of the energy regulator, her contacts and inside knowledge could help these companies to gain influence and exploit holes in the rules and regulations governing their activities.²⁷ //



PHOTO SOURCES AND CREDITS

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Elena Salgado 09/10/2011 © Gobierno de España / [https://commons.m.wikimedia.org/wiki/File:Elena_Salgado_durante_la_rueda_de_prensa_posterior_al_Consejo_de_Ministros_\(9_de_octubre_de_2011\).jpg](https://commons.m.wikimedia.org/wiki/File:Elena_Salgado_durante_la_rueda_de_prensa_posterior_al_Consejo_de_Ministros_(9_de_octubre_de_2011).jpg)

Pedro Solbes by International Monetary Fund https://commons.wikimedia.org/wiki/File:Pedro_Sorbes_IMF.JPG

Luis de Guindos by World Economic Forum CC BY-SA 2.0 https://commons.wikimedia.org/wiki/File:Luis_de_Guindos_Jurado_-_World_Economic_Forum_Annual_Meeting_2012.jpg

Felipe González by Alfredo Pérez Rubalcaba, CC BY-SA 2.0, [https://commons.wikimedia.org/wiki/File:Felipe_Gonz%C3%A1lez_\(2012\).jpg](https://commons.wikimedia.org/wiki/File:Felipe_Gonz%C3%A1lez_(2012).jpg)

Cristina Garmendia by Campus Party Europa 2010, CC BY-SA 2.0, [https://commons.wikimedia.org/wiki/File:-Campus_Party_Dia2_\(4523490664\).jpg](https://commons.wikimedia.org/wiki/File:-Campus_Party_Dia2_(4523490664).jpg)

Ángel Acebes by Ppcatalunya CC BY-SA 4.0, https://commons.wikimedia.org/wiki/File:Angel_Acebes-edit.jpg

José Folgado by PP Madrid, CC BY-SA 2.0, [https://commons.wikimedia.org/wiki/File:Jos%C3%A9_Folgado_2015_\(cropped\).jpg](https://commons.wikimedia.org/wiki/File:Jos%C3%A9_Folgado_2015_(cropped).jpg)

Arsenio Fernández de Mesa by Guardia Civil, CC BY 3.0, [https://es.wikipedia.org/wiki/Archivo:Arsenio_Fern%C3%A1ndez_de_Mesa_2014_\(cropped\).jpg](https://es.wikipedia.org/wiki/Archivo:Arsenio_Fern%C3%A1ndez_de_Mesa_2014_(cropped).jpg)



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SCANDINAVIA

THE REVOLVING DOOR IN SCANDINAVIA



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The revolving door in Scandinavia

AUTHOR

NIELS SELLING¹

The revolving door – that is, the flows of personnel between the public sector and positions in the private sector, where they can reasonably be expected to try to influence public policy decisions – is spinning faster and faster in the Scandinavian countries. Due to a host of factors, including the changing role of the media and the booming PR industry, political know-how is increasingly in demand by non-state actors, such as lobbying

Several scholars have observed the emergence of a political job market, which allows people to influence policy and politics as hired professionals rather than as elected representatives

firms, corporations, and interest groups.² In fact, several scholars have observed the emergence of a political job market, which allows people to influence policy and politics as hired professionals rather than as elected representatives.³ Although this is not always visible to the general public, they are now rather used to newspaper headlines about Ministers and Members of Parliament leaving office to become lobbyists.

Still, it is important to understand that these headlines are not very representative. Comparatively few elected politicians in the Nordic countries go through the revolving door.⁴ Instead, it is their press secretaries and political advisors who account for the lion's share. The combination of party loyal, relatively poorly educated politicians and the rise of highly-educated political experts within the government has, most notably in Sweden, ge-

nerated a revolving door with few politicians yet many political advisors and press secretaries passing through.

It is true that the picture varies slightly between countries. Sweden has the most open road between politics and PR⁵ and because of the relatively few political advisors in the Danish executive and legislative branches, it is more common in Denmark to see government officials or bureaucrats becoming lobbyists.⁶ Nonetheless, the two defining characteristics in Scandinavia are the rapid expansion of the revolving door and the relatively large flows of policy and media advisors.

What are the pros and cons associated with such developments? Starting with the potential benefits, the one normally emphasised is that the movements in and out of politics allow for information and subject-matter

The combination of party loyal, relatively poorly educated politicians and the rise of highly-educated political experts within the government has, most notably in Sweden, generated a revolving door with few politicians yet many political advisors and press secretaries passing through

expertise to travel between the government and the business community.⁷ An auxiliary upside is that politicians and corporate leaders, directly or indirectly through the people surrounding them, would gain better insights into the other sphere, which might ease communication and forge a shared understanding of the challenges and opportunities facing society.

The view of the critics is that the revolving door poses a threat to democratic processes.⁸ Lobbyists may ac-



tivate their personal networks after they have left office in order to unduly influence decisions. A second concern is that a potential route out of politics into a well-paid job leads to a change in behaviour among policymakers. Future career options might influence decisions with the aim of signalling to prospective employers “Hey, I am business-friendly!”⁹

Furthermore, it is important to recognise the negative effects on trust in institutions that the mere existence of the revolving door is capable of provoking. Scandinavian countries are known for the high trust in public institutions, something that could be

[...] whereas the natural gas and oil production of Norway rank seventh and fifteenth in the world respectively, these activities constitute only a limited part of the Danish economy and close to zero in Sweden. Therefore, it is only in Norway that there is a substantial outflow of policymakers into the fossil fuel sphere [...]

weakened by financially rewarding career moves into the lobbying sector. Admittedly, that it would lead to a loss of public trust has not been properly examined scientifically. On the other hand, it is easy to imagine how this phenomenon feeds into anti-establishment sentiments.

As a response to these negative aspects, various regulatory arrangements have been introduced in many

countries. Here, the Scandinavian countries differ markedly. Restrictions have existed in Norway for several years. Since January 1, 2016, the updated rules state that the post-public employment of Norwegian Ministers, and their political advisors and State Secretaries, is subject to approval by a panel.¹⁰ In Denmark and Sweden, in contrast, there are no rules whatsoever.

However, this may change soon in Sweden. A governmental report was published in 2017¹¹ and a bill is expected to be introduced in the Parliament during 2018.¹² However, the proposed legislation will only apply to Ministers and their State Secretaries. Even though it reins in the most high-profile cases, the proposal misfires in the sense that the political advisors, who are exempted from the proposed rules, numerically dominate when it comes to passing through the revolving door.

When it comes to the fossil fuel industry specifically, the situation varies greatly across the Scandinavian countries. The reason for that is straightforward; whereas the natural gas and oil production of Norway rank seventh and fifteenth in the world respectively¹³, these activities constitute only a limited part of the Danish economy and close to zero in Sweden. Therefore, it is only in Norway that there is a substantial outflow of policymakers into the fossil fuel sphere.

Not surprisingly, in the examples highlighted below, Stavanger-based Statoil, the 24th largest public oil and gas company in the world¹⁴, features. Of course, that is not to say that the phenomenon is completely absent in the other two countries. To illustrate this, a number of Swedish and Danish examples are included, although some of these are, at most, only borderline cases of movements into coal, oil, and natural gas.

If the revolving door has been the subject of public debate in all three Scandinavian countries, to varying degrees, rarely does a movement between government and the fossil fuel industry receive public attention. A media analysis shows that only two instances sparked widespread coverage. One of them was Carl Bildt, the former Swedish Prime Minister and Minister for Foreign Affairs, who served on the board of the controversial oil and gas exploration and production enterprise Lundin Petroleum.

The other one was Anders Eldrup, Permanent Secretary at the Danish Ministry of Finance who in 2006 be-

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Furthermore, it is important to recognise the negative effects on trust in institutions that the mere existence of the revolving door is capable of provoking

came the CEO of the large Danish oil and gas company DONG (an abbreviation for Danish Oil and Natural Gas). Under his leadership, DONG started its transition into renewable energy and he urged politicians to pursue ambitious policies regarding climate change.¹⁵ What the career move of Anders Eldrup demonstrates is that the revolving door does not necessarily guarantee an advancement of the fossil fuel agenda but can also signal the opposite effect, depending on what recruitments are made.

So, what might the revolving door into the fossil fuel industry mean for the Scandinavian countries' ambition (or lack of) in tackling climate change? As for Denmark and Sweden, it is rare to see a former Minister, advisor, or a top bureaucrat going into the fossil fuel sector. Much more common are career moves into renewable energy. In other words, the revolving doors in these countries can even have positive effects on public reforms aimed at tackling climate change.

In Norway, on the other hand, which is highly dependent on exports of oil and gas, several politicians and officials have traded their jobs in government for positions as oil and gas lobbyists. On a positive note, Norway is actually at the forefront in regulating post-public employment when compared to Denmark and Sweden. Nonetheless, the Norwegian revolving door into the fossil fuel business does raise concerns. At the same time, this should be seen in the light of the enormous importance of this industry, which accounts for half of Norway's exports.¹⁶

In conclusion, although the revolving door between the government and the fossil fuel industry exists also in the Scandinavian countries – and more so in Norway and less so in Sweden – the question one must always ask oneself is this: Does a group of individuals, who have replaced their governmental badges for those of

the fossil fuel industry, have the power to seriously alter the environmental policies in a country? Unfortunately, there is scant evidence that it does, but that is a question that begs for more research. It is also the case that the revolving door might diminish the influence of the fossil fuel industry. In Sweden and Denmark, there have been political recruitments by firms that are moving into renewable energy, such as Vattenfall and Jämtkraft – as the examples of Erik Brandsma, Jöran Hägglund, and Yvonne Ruwaida show. Therefore, the individuals cited below do not necessarily stand as obstacles to the realisation of a world free of carbon emissions but – on the contrary – may even accelerate the firms' push towards a more environmentally sustainable business model.

The people listed below have, in some form or another, moved between the government and the fossil fuel industry in Denmark, Norway and Sweden. //



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9 revolving door cases



KARL EIRIK SCHJØTT-PEDERSEN

Norway

PUBLIC OR POLITICAL ROLE/S

1985 - 2009 – MP for the Labour Party
 1996 -1997 – Minister of Fisheries
 2000 - 2001 – Minister of Finance
 2006 - 2013 – Chief of staff at the Office of the Prime Minister and a member of the Cabinet

ENERGY WITHIN THE PRIVATE SECTOR

2015 – CEO of Norwegian Oil & Gas, the employer’s association for the Norwegian oil and gas industry //



TARJEI SKIRBEKK

Norway

PUBLIC OR POLITICAL ROLE/S

2011 - 2013 – Strategy and Communication advisor to the Norwegian Labour Party

ENERGY SECTOR ROLE/S

2015 – Public Affairs manager at Statoil //

GEIR WESTGAARD

Norway

PUBLIC OR POLITICAL ROLE/S

2006 - 2008 – Special Advisor at the Ministry of Foreign Affairs during the Labour Party government

ENERGY SECTOR ROLE/S

2008 – Vice President at Statoil //

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ANDERS ELDRUP

Denmark

PUBLIC OR POLITICAL ROLE/S

1991 - 2001 – Permanent Secretary of State, Ministry of Finance

ENERGY SECTOR ROLE/S

2001 - 2006 – CEO of DONG
2006 - 2012 – CEO of DONG Energy //



JACOB STAHL OTTE

Denmark

PUBLIC OR POLITICAL ROLE/S

2004 - 2008 – Head of the international analysis division, Danish Parliament

ENERGY SECTOR ROLE/S

Since 2008 he has occupied leading positions within the Danish Oil Industry Association (EOF), the employer's association for the Danish oil and gas industry //

CARL BILDT

Sweden

PUBLIC OR POLITICAL ROLE/S

1991 - 1994 – Leader of the Conservative Party and Prime Minister of Sweden
2006 - 2014 – Minister for Foreign Affairs

ENERGY SECTOR ROLE/S

2000 - 2006 – Board member of Swedish oil and gas exploration and production enterprise Lundin Petroleum //

ERIK BRANDSMA

Sweden

PUBLIC OR POLITICAL ROLE/S

2012 - 2018 – Director General of the Swedish Energy Agency

ENERGY SECTOR ROLE/S

Mr. Brandsma has held various positions within Vattenfall and E.ON. Since 2018, he is the CEO of the renewable energy company Jämtkraft //



JÖRAN HÄGGLUND

Sweden

PUBLIC OR POLITICAL ROLE/S

2006 - 2010 – State Secretary at the Ministry of Enterprise, Energy, and Communications, during the Conservative-led government

ENERGY SECTOR ROLE/S

2011 - 2014 – Head of Regulatory and Public Affairs at Vattenfall //



YVONNE RUWAIDA

Sweden

PUBLIC OR POLITICAL ROLE/S

1994 - 2006 – Member of Parliament for the Green Party
2014 - 2016 – State Secretary at the Ministry of Environment

ENERGY SECTOR ROLE/S

2016 – Joined Vattenfall as a “Business Strategist” //



PHOTO SOURCES AND CREDITS

Karl Eirik Schjøtt-Pedersen by Kjetil Ree, CC BY-SA 3.0, https://no.wikipedia.org/wiki/File:Karl_Eirik_Schj%C3%B8tt-Pedersen_-_2014-02-13_at_18-43-38.jpg

Tarjei Skirbekk by Arbeiderpartiet, CC BY-ND 2.0, <https://www.flickr.com/photos/arbeiderpartiet/6811247843>

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Jöran Hägglund by Henrik Hansson – Globaljuggler, CC BY-SA 3.0, <https://commons.wikimedia.org/wiki/File:-Joranhagglund.png>

Yvonne Ruwaid by Miljöpartiet de Gröna, CC BY-SA 3.0, https://commons.wikimedia.org/wiki/File:Yvonne_Ruwaida.jpg

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UNITED KINGDOM

THE REVOLVING DOORS PROBLEM IN THE UK



The revolving doors problem in the UK

AUTHOR

ANDY ROWELL

— ACOBA: “The Committee that never says No”

The UK has an endemic revolving doors problem that exists at all levels of government, involving Ministers, political advisors, and senior and middle-ranking civil servants. A “toothless regulator” and a reporting system riddled with loopholes have exacerbated the problem.¹

Ministers and senior public officials, plus certain special advisors, must consult the regulator, the Advisory Committee on Business Appointments (ACOBA)², when they “take up any new paid or unpaid appointment within 2 years of leaving ministerial office or Crown service ... for advice on the suitability of the new post.”³ ACOBA, which is an advisory board to the Cabinet office, typically recommends a short waiting period; a ban on not personally lobbying the government for a period of anything from a few months up to two years; and the non-disclosure of sensitive information.⁴

However, the system, which has long been criticised as grossly inadequate, is failing for three key reasons: firstly, it is advisory only, so former Ministers and officials cannot be compelled to even consult ACOBA, let alone follow its advice. Secondly, ACOBA has no statutory powers or resources to investigate infringements. And thirdly, ACOBA has no power to block appointments, it can merely advise against them. Although all ACOBA’s decisions are made public, one headline sums up its work quite clearly: The “Whitehall committee that never says no to Ministers”⁵.

A “toothless regulator” and a reporting system riddled with loopholes have exacerbated the problem

One study found that between 2009 and 2015, 60 % of ministers and public officials who left government took up roles in the private sector in the same field as their ministry [...]

In 2017, the Public Administration and Constitutional Affairs Committee concluded that the system was “ineffectual and does not inspire public confidence or respect”; it should be “fundamentally changed” and replaced with a statutory regulator with the power to sanction breaches of the rules.⁶ Around the same time, the National Audit Office investigated revolving door issues concerning civil servants and found that, of the eight Government departments surveyed, none were “consistently applying the Rules.” The NAO also concluded, “No department has assurance that former civil servants remain compliant with the Rules for up to two years after they have left public service.”⁷

What figures do exist reveal a growing problem. ACOBA figures show that in 2009 just seven former ministers applied for a total of thirteen jobs. By 2014/15, the Committee dealt with 49 appointments of former Ministers and 89 appointments of former Crown servants. In 2016-2017, the Committee issued advice on 104 applications from former Ministers and 140 applications from civil servants.⁸ That year the number of former Ministers taking up jobs outside Parliament rose by nearly 60% compared to the previous year.⁹

Many take up a job in the same sector as their government post.¹⁰ One study found that between 2009 and 2015, 60% of Ministers and public officials who left government took up roles in the private sector in the same sector as their Ministry.¹¹ The UK department with the highest percentage of people taking up private sector employment in the same field as their public service role is the Department of Energy and Climate Change (since subsumed into the Department for Business, Energy & Industrial Strategy). Nearly 90% of people leaving DECC took up jobs in the energy sector,



according to the 2016 academic study.¹² This includes six former Energy Ministers.¹³

DECC's doors also revolve the other way, for example when an ex-head of energy for leading lobbying company Burson-Marsteller (B-M) was appointed Special Advisor for media relations and policy to several energy Ministers at DECC from April 2013 until March 2015. She then went on to work for the Conservative Party in

The UK has an endemic revolving doors problem, and it is getting worse, while the system of oversight, run by the regulator, ACOBA, is not fit for purpose

the run up to the May 2015 election.¹⁴ The problem of ex-energy Ministers leaving for lucrative positions in the energy industry is deeply concerning, even though some try and justify their appointments on ecological grounds. However this does not hold up to scrutiny thus far.

— Conclusion

If there were sufficient political courage, the UK could be a world leader in decarbonisation efforts, responding to the concerns of climate scientists and the majority of the world's population. But the revolving door problem will make this harder. The UK has an endemic revolving doors problem, and it is getting worse, while the system of oversight, run by the regulator ACOBA, is not fit for purpose.

Indeed, many organisations, including Spinwatch¹⁵ and Transparency International have called for ACOBA to be scrapped. In 2015 for example, Transparency International argued that: ACOBA should be replaced with a new statutory body with sufficient resources and powers to regulate the post-public employment

of former Ministers and crown servants and sanction misconduct."¹⁶

It would be up to this new body to set "cooling-off periods", but most commentators feel this should be at least three years.

As mentioned earlier, the UK government department with the highest percentage of people moving into private sector positions in the same field as their public sector role is the Department of Energy and Climate Change, which has since been subsumed into the Department for Business, Energy & Industrial Strategy. Ministers leaving DECC have been able to take up lucrative business appointments in the energy field. Some of these may try and promote their green credentials, but from a climate perspective such work is often questionable, or it promoting false solutions to climate change, such as nuclear power.¹⁷

The UK's revolving door with the fracking industry – whether ex-Ministers, advisors, or civil servants – is also of serious concern. Even people who have since moved on to new jobs, such as Lord Browne or Patrick Erwin, have played pivotal roles in the formation of this fledgling and highly controversial industry, one that is promoting gas at a time when science tells us we need to start a managed reduction in the use of fossil fuels, rather than promoting the development of a new fossil fuel industry in the UK.¹⁸

Indeed, Britain's climate ambitions will only be undermined if those who work for Government then go on to work for fossil fuel interests, or for companies or organisations that advocate on their behalf. New research, released in March 2018, notes that the only "commercially viable future for oil majors in a carbon constrained world is a gradual winding down of their operations or a quick sell off of assets."¹⁹ People who work for fossil fuel companies will have a vested interest in making sure this does not happen. //



UNITED KINGDOM

11 revolving doors cases

ENERGY / CLIMATE RELATED REVOLVING DOORS CASES

Ex-Ministers



SIR ED DAVEY

POLITICAL AFFILIATION
LIBERAL DEMOCRATS (LIB DEMS)

PUBLIC OR POLITICAL ROLE/S
2012-2015 – Energy Secretary
2017-present – Member of Parliament

PRIVATE SECTOR ROLE/S
2016-2017 – various advisory roles, including to Engie UK
2015-present – Chairman, Mongoose Energy

Sir Ed Davey was the Liberal Democrat (Lib Dem) Energy Secretary from 2012-2015 and is the current MP for Kingston and Surbiton.²⁰

Since leaving his Ministerial office, Davey has set up an independent consultancy on energy and taken up over a dozen roles and commissions²¹, including a position with Herbert Smith Freehills, a leading London law firm; becoming an advisor to lobbying firm MHP; becoming a patron for the Sustainable Futures Foundation, a “charity being established to promote environmental sustainability for the public benefit” and Chairman of Mongoose Energy. Davey also registered a further 9 commissions, including working for Macquarie Bank and Engie UK,²² although some of these Davey has stopped since returning as an MP.

With many of these appointments Davey may argue they are promoting sustainable energy solutions; however Mac-

quarie Capital (Europe) Limited, part of the Macquarie Group, have acted as financial advisors to the UK’s biggest pro-shale company, Ineos.²³ Although Davey stopped working with MHP in May 2017, its clients included EDF Energy, one of the ‘Big Six’ energy firms in the UK (although Davey argues he is not advising EDF himself). As one newspaper put it, “He struck a money-spinning nuclear deal with EDF [during his time as Minister] and now works for a lobbying firm that has the French firm as a client.”²⁴ Engie UK also promotes its environmental credentials, but still has assets in coal and gas.²⁵

Herbert Smith Freehills’ longstanding clients also include EDF²⁶ and BP, which the company advised over liabilities due to the disastrous Deepwater Horizon oil spill in the Gulf of Mexico.²⁷ From 1st June 2017, Davey “received £5,000 a month for an expected monthly commitment of six hours working with the law firm” Herbert Smith Freehills, although in July 2017 he noted that there had been “no hours since my election”.²⁸ //



UNITED KINGDOM



CHARLES HENDRY

POLITICAL AFFILIATION
CONSERVATIVE PARTY

PUBLIC OR POLITICAL ROLE/S
2001-2015 – Member of Parliament
2010-2012 – Minister of State, Department for Energy & Climate Change

ENERGY SECTOR ROLE/S
Director, Atlantic Superconnection
Director of Independent Oil and Gas and Atlantic Petroleum
Member of Executive Team, London Power Company
Consultant, Vitol

Charles Hendry is another ex-Minister of State for Energy who secured lucrative business offers on leaving office. Hendry was at the Department for Energy & Climate Change from May 2010 to September 2012. He was the Conservative MP for Wealden until 2015.²⁹ When still an MP, the Guardian noted that, “A former Conservative minister who signed an energy pact with Iceland’s government has taken a second job, less than a year after he left office, working for a Tory donor who plans to import Icelandic electricity³⁰.”

He was subsequently a Director for 3 years of Atlantic Superconnection, the company hoping to build the cable from Iceland to the UK.^{31 32} Hendry is now a Director of Independent Oil and Gas and its major stakeholder London Oil and Gas, and the London Power company.³³ In 2016, it was reported that he was earning £3,333 a day – working a day and a half a month – as a consultant for Vitol, the world’s biggest oil trader,³⁴ which handled 270 million tonnes of oil in 2016.³⁵ The company is at the heart of the global oil and gas system. //



GREG (LORD) BARKER

POLITICAL AFFILIATION
CONSERVATIVE PARTY

PUBLIC OR POLITICAL ROLE/S
2010-2014 – Minister for Climate Change
2001-2015 – Member of Parliament

ENERGY SECTOR ROLE/S
2017-present – Chair, EN+
Adviser to Equinox Energy Capital, Lightsource Renewable Energy Limited and SolarCityCorp
Director of the European Board, Environmental Defense Fund
Trustee, The Climate Group

Lord Barker was the Conservative Minister for Climate Change from 2010 to 2014, and is someone who champions his green credentials³⁶ with roles in renewable energy companies and NGOs. He is a Senior Adviser for Equinox Energy Capital, a private investment firm seeking to deploy capital in renewable energy; an Adviser to Lightsource Renewable Energy Limited, which offers advice to developers and operators of solar photovoltaic projects; and an Advisor to SolarCity Corp; and as well as Director of the European Board in the Environmental Defense Fund and Trustee of The Climate Group.³⁷

However, his green credentials are undermined by his Russian business interests. Until 2001, Barker was Head of International Communications for Sibneft, an oil company owned by oligarchs Roman Abramovich and Boris Berezovsky, now controlled by Gazprom.³⁸ As recently as October 2017, Barker became Chair of EN+, a Russian aluminium and hydropower producer, controlled by another billionaire, Oleg Deripaska.³⁹ At the time, Barker said: “En+ Group is at the forefront of a new industrial revolution, helping lead the global drive towards a low carbon economy”.⁴⁰ It also includes UCRusal, the world’s largest aluminium producer outside China.⁴¹ Aluminium production has long been seen as a polluting process.⁴² The company’s offering on the London stock exchange was also criticised last year by British security service MI6, due to Deripaska’s close links to Russian President Putin.⁴³ //



UNITED KINGDOM

EX-GOVERNMENT NON-EXECUTIVE DIRECTORS



LORD BROWNE

PUBLIC OR POLITICAL ROLE/S

Lead Non-Executive Director, Cabinet Office

ENERGY SECTOR ROLE/S

CEO, BP

Chair, Cuadrilla

There have long been a revolving doors between the British Government and BP⁴⁴ and in 2010 Lord Browne, former CEO of BP, was appointed by then Prime Minister David Cameron to be the Lead Non-Executive Director at the Cabinet Office, when he was Chair of fracking company Cuadrilla.⁴⁵ Browne promised to do, “whatever it takes” to promote shale gas,⁴⁶ and used his position to gain privileged access to both then Environment Secretary, Owen Paterson, and the head of the Environment Agency, Lord Chris Smith.

As the Guardian reported, at one meeting “Paterson organised at Browne’s request, Smith offered to halve the consultation time for a waste permit, agreed to intervene with a county council over Cuadrilla’s planning permission and to identify further risks to Cuadrilla’s plans.” When this was reported, the Green MP, Caroline Lucas said, “These revelations are extremely disturbing and it certainly looks like there is a conflict of interest between Lord Browne’s government and commercial positions.”⁴⁷

Nor was he the only one with a potential conflict of interest over fracking. In 2013, Sam Laidlaw, the Chief

Executive of gas company Centrica, which is investing in fracking, was the Lead Non-Executive at the Department for Transport, a post he held until December 2014.⁴⁸ Meanwhile, from 2013 until 2016 Baroness Hogg was the Lead Non-Executive Director in the Treasury, but from 2005 until 2016, was also a Non-Executive Director at BG Group, which has extensive US shale interests.⁴⁹ Departmental Non-Executive Directors are entitled to remuneration of £15,000 per year, with an additional £5,000 for Lead Non-Executives.⁵⁰ //



UNITED KINGDOM

EX-CIVIL SERVANTS

LORD KERSLAKE

PUBLIC OR POLITICAL ROLE/S

Head of the Civil Service
Permanent Secretary, Department of Communities and Local Government

ENERGY SECTOR ROLE/S

Advisor to Engie UK

Lord Kerslake was the Head of the Civil Service until September 2014 and Permanent Secretary in the Department of Communities and Local Government until February 2015.⁵¹ 2 years later, in February 2017, ACOBA approved Lord Kerslake's position on the advisory board of Engie UK, in "order to guide the company in matters relating to its UK strategy".⁵²

Thus, one of the most senior UK civil servants has left public service to work for a company that vaunts its environmental credentials, but still maintains significant interests in gas and coal, and has also employed former Minister Ed Davey (see above). //

Just as many Ministers from DECC have moved to the private sector, so too have many senior civil servants:

PATRICK ERWIN

PUBLIC OR POLITICAL ROLE/S

Head of Energy Markets and Infrastructure Strategy and Programme Office, Department of Energy and Climate Change

ENERGY SECTOR ROLE/S

2013-2016 – Commercial Director, INEOS
2013-present – Policy and Markets Director, Northern Powergrid

Patrick Erwin was the Head of Energy Markets and Infrastructure Strategy and Programme Office at the Department of Energy and Climate Change until November 2013,⁵³ when he left to work for INEOS shale, the leading UK fracking company. He worked for INEOS for three years until December 2016.⁵⁴ Initially he joined INEOS on secondment from central government only to then join as a full staff member after only a 2-month break in the summer of 2016.⁵⁵

Erwin was at INEOS at a crucial time for the UK shale industry. As INEOS Upstream's new Commercial Director, he was central to the development of its fracking plans, helping it secure over one million acres in government licences to become Britain's biggest onshore oil and gas operator.

He was even INEOS's point-man for its "relationship with government and industry" and helped organise meetings for Ineos' billionaire owner, Jim Ratcliffe, with DECC's then Permanent Secretary, Stephen Lovegrove, and other top officials.⁵⁶

In 2016, he joined Northern Powergrid, which is an electricity supply company and subsidiary of Berkshire Hathaway Energy, itself a subsidiary of Warren Buffett's Berkshire Hathaway Inc.⁵⁷ Buffett argues that there is nothing to worry about from climate change.⁵⁸ //



UNITED KINGDOM

WENDY BARNES

PUBLIC OR POLITICAL ROLE/S

Chief Operating Officer, Department of Energy and Climate Change

ENERGY SECTOR ROLE/S

2015-present - Non-Executive Director, Scottish Power Energy Networks

Wendy Barnes was the Chief Operating Officer at the Department of Energy and Climate Change until December 2012, with responsibility for corporate services and nuclear decommissioning and security policy.⁵⁹

According to Barnes' LinkedIn page, from October 2013 until 2018 her primary job has been working for Templar Executives, a cyber security company "trusted by Governments", but she has also been a Non-Executive Director at Scottish Power Energy Networks since January 2015⁶⁰. The company operates the electricity transmission and distribution network in Central & Southern Scotland, Northern England and North Wales.⁶¹

As this position was taken up one month after the 2-year cooling off period set by ACOBA, there has been no public scrutiny of any potential conflicts of interest, nor has there been communication with ACOBA over the appointment.⁶² //

MATT HINDE

PUBLIC OR POLITICAL ROLE/S

First Secretary of Energy, UK Permanent Representation to the EU
2013-2015 - Head of EU Strategy, UK Department of Energy and Climate Change

PRIVATE SECTOR ROLE/S

2015-present - Director and Senior Vice-President, FleishmanHillard

Head of EU Strategy in the UK Department of Energy and Climate Change from March 2013 until September 2015, following nearly 4 years as First Secretary of Energy for the UK Permanent Representation to the EU in Brussels.⁶³ Hinde left DECC in September 2015 and joined FleishmanHillard in Brussels as its Director and Senior Vice-President for Energy only one month later.⁶⁴

FleishmanHillard has been described by the NGO, Corporate Europe Observatory, as "a power player in the energy lobbying field; its clients include some of the world's major energy companies: Total, Shell, Statoil, ENI, SHV Energy, ExxonMobil, BP, and many others with an interest in energy and / or climate policy. "It spends over € 6 million a year on lobbying activities and lists over 45 European Parliament pass-holders, including Hinde himself."⁶⁵ Hinde is also leading Fleishman's work on Brexit.⁶⁶ //



UNITED KINGDOM

ALISON WOODHOUSE

PUBLIC OR POLITICAL ROLE/S

Civil Servant, Department of Energy and Climate Change

PRIVATE SECTOR ROLE/S

Associate Director, Hanover

Another former DECC civil servant who passed through the revolving doors is **Alison Woodhouse**, who helped guide the Energy Act 2013 through Parliament, and worked in a number of strategic policy and evidence roles. In April 2014, she left DECC and joined the PR company, Hanover, which was founded by Charles Lewington, the former Press Secretary to former Prime Minister John Major.⁶⁷

According to the Hanover website, “Alison provides strategic political and public affairs advice to Hanover’s energy clients⁶⁸.” One of the company’s energy clients is fracking company Cuadrilla; another is Valero, the world’s largest independent petroleum refiner.^{69 70} //

FORMER POLITICAL ASSISTANTS

STEPHEN DAY

PUBLIC OR POLITICAL ROLE/S

Shadow Cabinet, Conservative Party

PRIVATE SECTOR ROLE/S

Chief Executive - Burson-Marsteller

Stephen Day is one of the most powerful men in British PR and is Chief Executive at PR giant and lobbying consultancy Burson-Marsteller (B-M) UK, and Board Member of the PRCA, the UK Public Relations and Communications Council.⁷¹ One of his clients is fracking and petrochemicals company INEOS.⁷² He made the shift from political advisor to PR and started his career in 2000 working for the Conservative Party’s Front Bench Trade and Industry Team.⁷³ Day worked for the Shadow Cabinet team for 2 years, before starting in PR at FleishmanHillard in 2005, eventually moving to B-M in 2014. He was also at one stage England’s youngest Conservative Party councillor.⁷⁴

In 2015, he said, “We’re not afraid of controversy. INEOS are leading the way on fracking, we’re leading their work on fracking.”⁷⁵

One of Day’s colleagues at INEOS wrote in 2015 (the day after another fracking company Cuadrilla had had its planning application refused in Lancashire) that Britain was “A Nation of Nimbys” and called for “political courage” to serve the national interest with a “braver, bolder decision” to frack.⁷⁶ //



UNITED KINGDOM

EX-SECURITY SERVICES

There are also revolving doors between the British security services and the oil industry. In 2015, BP hired **Sir John Sawers**, who was head of the Secret Intelligence Service M16, between 2009 and 2014. Sawers joined as a non-executive member. BP's chairman, Carl-Henric Svanberg, said Sawers, who was to be paid £90,000 "brings extensive experience of international affairs and geopolitics".⁷⁷

At the time, the Reuters news agency noted it was a "development highlighting long running links between the British establishment and the oil major."⁷⁸ Indeed, Sawers' predecessor, another former M16 chief, **Sir John Scarlett**, who left M16 in 2009, became Chairman of the Strategy Advisory Council at Statoil in 2011, a position he held until at least 2016.⁷⁹ **Mark Allen**, who was Director of Counter-Terrorism at M16, also joined BP soon after retiring in 2004. ⁸⁰ //



PHOTO SOURCES AND CREDITS

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