

CECCM



Brussels February 14, 2008

Madam, Sir,

Re: Public Consultation on the Draft Code of Conduct

The Confederation of European Community Cigarette Manufacturers (CECCM) represents the common views of three major European-based cigarette manufacturers: British American Tobacco, Imperial Tobacco Group and JT International.

CECCM member companies welcome the initiative of the Commission to establish a code of conduct for interest representatives and a public register, to bring more transparency of interest representation. CECCM fully supports the Commission's commitment to consistently implement a policy of stakeholder involvement in its regulatory activities, to better achieve the objective of Better Regulation and Public Policy goals.

CECCM believes that engagement activities are a fundamental and legitimate part of a truly democratic system and that trade association, as well as individual companies' representation, is vital to any political process. Additionally, CECCM encourages the creation of platforms facilitating inter-stakeholders dialogue on particular issues, and looks forward to participating.

CECCM therefore takes this opportunity to suggest two amendments to the draft Code of Conduct, published on the Web site of the Secretariat General at http://ec.europa.eu/transparency/consultation_code/index_en.htm (proposed changes marked in red in the attachment).

We thank you for giving us the opportunity to participate in this discussion.

Yours sincerely,

A handwritten signature in blue ink that reads 'Roberto Zanni'. The signature is fluid and cursive, with a long tail on the final letter.

Roberto Zanni
Chairman

Attachment: draft code with suggested changes

DRAFT
A CODE OF CONDUCT FOR INTEREST REPRESENTATIVES

Interest representation is a legitimate part of the democratic system. The European Commission as part of its effort to enhance public confidence and trust, has established a voluntary register to bring more transparency to interest representation, its actors and their activities.

The present Code of Conduct contains a set of basic rules, specifying how interest representatives should behave when representing their interests.

For the purposes of this Code, "interest representation" is defined as the activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions. This definition excludes activities performed by independent members of professions providing legal advice, such as lawyers, in so far as such activities relate to the exercise of the fundamental right to a fair trial of a client, including the right of the defence in administrative proceedings.

PRINCIPLES

Interest representatives are expected to behave in line with the principles of openness, transparency, honesty and integrity, as expected of them by the citizens in a democratic system.

The Commission considers that those who register in its public register accept to comply with these principles. Similarly, Members of the Commission and the staff of the European institutions are bound by strict rules ensuring their impartiality. The relevant provisions are contained in the Treaty establishing the European Communities and the Staff Regulations.

RULES

In their representation activities as defined above, interest representatives shall:

1. identify themselves by name and by organization;
2. declare the clients and the interests they represent;
3. ensure that information provided to the EU institutions is accurate, complete and up-to-date to the best of their knowledge;
4. not obtain or try to obtain information dishonestly from the EU institutions;
5. not induce EU officials to contravene standards of behavior applicable to him or her;
6. if employing former EU officials, respect their obligation to abide by the rules and confidentiality requirements which apply to them;
7. **in order to ensure transparency, positions presented to European institutions are also available to interested stakeholders.**

OTHER PROVISIONS

- Registration: Registration implies the acceptance of this Code.
- Breaches of the Code: Registrants are informed that breaches of the above rules may lead to suspension or exclusion from the Register.
- Complaints: Signatories should be aware that the citizens have the possibility to lodge a complaint about a suspected breach of the rules set out in this Code.
- Publication of contributions and other documents: Interest representatives are informed that their contributions to public consultations will be published on the internet together with the identity of the contributor **and a declaration of interests**, unless the contributor objects to publication of the personal data on grounds that such publication would harm his or her legitimate interests. Upon request on the basis of Regulation (EC) No 1049/2001 on access to documents, the Commission may have to disclose correspondence and other documents surrounding the interest representatives activities.