

Shedding light on the EU's double standards

*CIB committee member **Dr Lee Rotherham** looks at the EU's double standards when it comes to transparency. For an organisation which sees itself as a 'normative power', the EU is remarkably adept at covering up malpractice and corruption with its ranks.*

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In the Empire of Justinian, the Byzantine Court had a category of officials who handled petitions. They were called the Referendarii. They acted as the intermediary between public and state.

If we are to believe the invective of Procopius they had a terrible reputation, twisting their services for personal gain: "And as soon as they were outside the Palace and had taken measures to keep the litigants away from those with whom they themselves had talked, they proceeded to extract money – there being nobody to protect the rights of the litigants – in such a way that the business could not be proved against them and in such quantities as seemed to them sufficient."

The coincidence of the name, Referendarius, may trigger the political observer today. Maybe it is because a referendum serves as a bridge between governed and governor. Or more cynically, perhaps it is because of the EU's institutional tendency to ignore referendum results in favour of vested interests. Personally, I was instead rather struck by this recent discovery because of a document I had recently FoI'd from the European Commission.

The court of Brussels is in no way as corrupt as Constantinople. Though it is now as ambitious, and as structurally impecunious, and as uncaring of the taxpayer's concerns.

For the past decade, I have asked for a copy of the annual report of the Investigation and Disciplinary Office of the European Commission, or IDOC. It is one of those EU entities that is tucked away in its nooks and crannies. Unless you knew it existed, you wouldn't know it did anything. Unless you knew it published an annual report, you wouldn't be able to ask for it. It operates in a glare of publicity akin to an Ethiopian monastery during a power cut.

The reason for its low profile is the work it does. It reviews and punishes Commission staff caught breaking the rules, and often the law.

I have put the document online alongside its predecessors here. In it, the details are abridged very tightly but you can still get a flavour of each case. This year, the report begins with an individual that cross referencing elsewhere in the document suggests was an EEAS official, that is to say an EU diplomat. He submitted false declarations to national authorities, repeatedly infringed specific national veterinary legislation, and was in illegal possession of arms. There must be a decent plotline in there for TV's Van der Valk. Perhaps he was collared chasing around trying to shoot Penka, the border-breaching Bulgarian cow.

A number of more generic cases fall into categories that you can spot every year. There are the officials who are work colleagues from hell. There is the official who sent aggressive emails around the office, including messages relating to race and religion. There is the manager who monstered his colleagues. And there is the equally familiar story of staff pulling sickies without even telling anyone (the trick in the old days was to leave the jacket in the

office: managers appear to have become wise to that one).

A separate category though involves the cases of corruption. The official who privately negotiates important terms of a contract with an external company, without any authorisation, and who wrangles a job for a relative as a subcontractor. Or the investigations involving people fiddling the benefits. This is often about the medicare package, which the staffer isn't eligible for or has twisted to cover an ineligible relative.

A number of these cases involve seemingly sackable offences, at least in the private sector, but just end up with a bit of a time lag on the generous salary or a drop in the pensions ladder.

You might argue you get bad eggs everywhere. You might also add that the public sector is notoriously bad at dealing with it, and an international organisation worse than most. But the EU prides itself on being more than that. And most shameful of all is how the EU has for years deployed double standards.

The EU civil service is not devoid of people wanting to do the right thing, and correct these faults. But there have been simply too many cases of people coming forward, trying to stop abuses both great and small, and paying the price. Particularly striking has been how this has happened across the EU institutions, and not just in one corner of one of them.

Line managers don't want their departmental disgraces to be known. Europhile aspirants don't want their dream of the Iram of the lofty Pillars sullied. The tabloid is the enemy, and with it the information that they might publish. And so too often the official response has been to cover up such wrongdoing because it risks causing reputational damage. More damagingly in reality, those who might otherwise have subsequently stood up within the system to correct any abuses

have in turn been deterred.

The cases that do make it through the informal sieve down to the desks of IDOC and lead to justice and punishment are a welcome respite, but a partial and flawed one.

Of course, the court of Brussels is in no way as corrupt as Constantinople. Though it is now as ambitious, and as structurally impecunious, and as uncaring of the taxpayer's concerns. For those countries remaining within the EU, these are all factors that should demand higher standards and better management practices than presently exist, and I suspect will ever.

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