

REVOLVE: Studying Revolving Doors and Their Regulation in the EU and Its Member States

The “revolving door” phenomenon, which refers to circulations between the private and public sectors, is the object of research of the REVOLVE project. Based on four field studies (France, Finland, Slovenia, and the EU), the project aims to develop a comparative approach to studying revolving doors. After detailing the specificities of each field, this Research Note explains the multidisciplinary approach deployed. Finally, we suggest that the research on revolving doors cannot be carried out without studying the transformation of recruitment methods of the administration as well as the reconfigurations within the private sector.

Le projet REVOLVE : étudier les « portes tournantes » et leur régulation dans l'Union européenne et ses États membres

Le phénomène des « portes tournantes », qui désigne les circulations entre les secteurs privé et public, est l'objet de recherche du projet REVOLVE. En s'appuyant sur quatre études de terrain (France, Finlande, Slovénie et Union européenne), le projet vise à développer une approche comparative des portes tournantes. Après avoir détaillé les spécificités de chaque terrain, la note de recherche expose l'approche multidisciplinaire déployée. Enfin, nous suggérons qu'une recherche sur les portes tournantes ne peut se faire sans une étude de la transformation des modalités de recrutement de l'administration ainsi que des reconfigurations au sein du secteur privé.

REVOLVE: Studying Revolving Doors and Their Regulation in the EU and Its Member States

Le projet REVOLVE : étudier les « portes tournantes » et leur régulation dans l'Union européenne et ses États membres

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Recently, the revolving doors phenomenon has attracted much public attention both in national capitals and in Brussels. The term refers to situations where individuals (“revolvers”) move from the political or administrative field to the private sector or from the private to the public sector, raising concerns about the integrity of governments and the transparency of governance (Coen and Provost, 2022; OECD, 2009). At the European level, the case of former Commissioner Neelie Kroes was widely publicised last summer when we learned through the leaked Uber files that she had been advising the company during her “cooling-off” period – during which a code of conduct prohibits former Commissioners from engaging in lobbying activities. As a phenomenon, the revolving door is not a stranger to Member States either. National political and administrative elites move effortlessly between jobs in public and private sectors, much to the dismay of the public.

Over the last two decades, policies to regulate revolving doors have been developed and adopted both at the national and European levels. Generally speaking, the issue has become more prominent lately. During her two mandates as the European Ombudsman, Emily O’Reilly has actively scrutinised how EU institutions manage potential conflicts of interest when their staff or members move to new roles. However, due to changes and transformations

in public administration and politics, as well as in the professional world of lobbying and advocacy, understanding the logic behind revolving doors and regulating it effectively have become more challenging, if not also more urgent. The managerialisation of administration, the increasing number of temporary positions, the growing proximity of civil servants to regulated parties, as well as the rapid expansion of the public policy consultancy sector are encouraging people to circulate between the public (administrative and political) and the private sectors.

The existing body of research on revolving doors generally focuses on regulatory capture asking whether and if so, to what extent, circulations between the public and private sectors contribute to the capture of public policies by private interests at the expense of the general interest (Broulík, 2022; Makkai and Braithwaite, 1992; Seabrooke and Tsingou, 2021). This research relies on quantitative studies that measure the public/private circulation, describe the typical career trajectories of revolvers (Orchard, Gouglas and Pickering, 2023; Claveria and Verge, 2015), and identify the possible variables influencing these circulations. For example, young EU Commissioners in charge of sectors such as industry, internal market or competition are more likely to become lobbyists after their mandate (Vaubel, Klingen and Müller, 2012). Another body of research focuses on revolvers once they have joined companies in the private sector: how they adapt to the private sector through a socialization process (Tyllström, 2021) or why companies hire them in the first place (Luechinger and Moser, 2020; Belli and Bursens, 2021).

Studies looking into the regulation of these circulations are instead based on the analysis of a few individual cases that have been considered problematic (for instance, the cases of Neelie Kroes, Manuel Barroso and Karel de Gucht (Silva, 2019) or the cases of Karel van Miert and Mario Monti (Luechinger and Moser, 2020)). These studies focus on the forms of regulation regarding revolving doors. This type of research is, however, often based on a sample of individual wrongdoings rather than on a systematic understanding of the broader dynamics and practices of revolving doors (see however, from an economic perspective, Brezis and Weiss, 1997; Brezis, 2017). Furthermore, the current revolving door research in Europe focuses on the EU level, and there are fewer (comparative) studies on the phenomenon at the national level (for national research, see e.g., Rasmussen, Buhmann-Holmes and Egerod, 2021 for Denmark; Cerrillo-i-Martínez, 2017 for the regulation in Spain; see below for France).

The project - methodology

Our project, REVOLVE, funded by the Academy of Finland (2021–2025), aims to tackle the gaps in the literature on revolving doors and their regulation, to provide new comparative insights on the phenomenon, and to renew the methodological and theoretical foundations of its study.¹To do so, we develop four case studies with fieldwork conducted at both the national and European levels. Regarding the national case studies, three countries are being investigated: Finland, France, and Slovenia. These countries have been selected because they are all members of the EU and because they all regulate revolving doors, albeit in different ways. The existence of regulation is a key factor because, without regulation in place, it would be difficult to collect empirical material. In all the selected countries, there is a responsible authority (or responsible decision-makers in Finland) that applies the legislation and which provides a natural contact point for researchers. In other aspects, the countries differ from one another (see Table 1), but not so much that the research proposal could be described as applying the most dissimilar case design.

In Finland, the revolving doors phenomenon has been debated since 2017 when six-month cooling-off periods were introduced for certain categories of civil servants (Section 44a, Act on Public Officials in Central Government, 750/1994). In 2022, an amendment to this framework prolonged these periods up to one year in certain cases. While this set of rules was aimed primarily at ministerial advisers, creating similar cooling-off periods for former ministers is now under discussion. However, some doubts have been raised about the adequacy and budgetary sustainability of the cooling-off system. Indeed, since revolvers are fully paid for the duration of the cooling-off period, they are sometimes portrayed in the media as enjoying “publicly funded luxury holidays”. Contrary to France and to some extent also to Slovenia, there is no centralised authority competent to regulate revolving doors, and all the documents on cooling-off periods are scattered across ministries and agencies. This has two consequences for our project. First, regulation is different across policy sectors with each ministry and agency being responsible for reviewing revolving door cases and assessing risks. Second, the sectoral implementation of revolving door rules and the absence of a central authority make the gathering of data difficult and time-consuming. Also, Finnish civil society

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Table 1.

Country	Literature	Authority	Beginning of RD regulation	Control	Civil society	Membership in EU Network
Finland	None/Scarce	No central authority	End of 2010s	Sectorial (by ministries and agencies)	More interest in lobbying regulation	Not member
France	Long tradition in political science (quantitative)	Yes (HATVP)	Beginning of 1990s	Both centralised and decentralised (<i>référénts déontologues</i>)	Quite strong (Anticor, TI France)	Founder
Slovenia	Scarce	Yes	Mid-2010s	Centralised	Quite weak	Member
EU	Some, also NGO reports	Sectorial (by institutions)	Beginning of 2000s	Sectorial (by institutions), also European Ombudsman	Very active	Not a member

NGOs are relatively small and are not focused on transparency issues. They showed interest in lobbying regulation (Finland adopted legislation on the Transparency Register in February 2023) but have not engaged with revolving doors to any discernible effect.

In France, the research on revolving doors has mushroomed since the late 1990s. It is based on a long tradition of French research on the political sociology of politico-administrative and business elites (Birnbaum, 1978; Genieys, 2005; Heilbron, 2015). Studying revolving doors in France as part of a comparative research project is, however, difficult because revolving doors cannot be understood without the particularities of the French administration, some of them inherited from the French revolution and the First Empire: the centralisation of administration, the specific training for future senior officials in the *grandes écoles* and the *École nationale d'administration*, the importance of the *grands corps* (*Conseil d'État*, *Cour des comptes*, *Inspection générale des finances pour les grands corps administratifs*, *ingénieurs des Mines*, *ingénieurs des Ponts et Chaussées*), and the existence of *pantouflage* (circulations from the public to the private sector) since the mid-19th century (Charle, 1987; Carré de Malberg, 2011). Despite these difficulties for the comparative project, France is an interesting case because it offers an abundance of data for study. In addition to the research conducted since the beginning of the 1990s (e.g. Rouban, 2002; Rouban, 2010; Sawicki and Mathiot, 1999; Vauchez and France, 2020), France has actively regulated revolving doors. The *commission de déontologie* was established in 1991. Its tasks were transferred in 2019 to a new body, the HATVP (*Haute Autorité pour la transparence de la vie publique*). France deploys mixed regulation with the moves of the highest officials being regulated at a centralised level (HATVP) and the circulations of lower officials through *référents déontologues* in decentralised administrative units. Finally, civil society NGOs such as Transparency International France or Anticor contribute greatly to raising awareness on revolving doors.

Between the less-regulated and more sectorial-oriented Finland and the highly centralised and regulated France, Slovenia appears to represent a middle ground. Revolving doors are regulated through the IPCA (Integrity and Prevention of Corruption Act). It aims at strengthening the integrity of the public sector, ensuring transparency and respect for the rule of law, and preventing conflicts of interest situations. The law entered into force on 5 June 2010 and was amended in November 2020. It introduces cooling-off periods for different public office holders, from deputies of the National Assembly and Secretaries General to holders of public office in local communities. There

is also an autonomous and independent state body, the Commission for the Prevention of Corruption, in charge of implementing the rules. There is a small corpus of (legal) literature on revolving doors emphasising how problematic revolving doors are from the point of view of the fairness and integrity of civil service, pointing to flaws of the current regulation or mentioning revolving doors as one element of corruption.

In June 2022, the French High Authority created, with ten other public integrity authorities from EU Member States (including the Slovenian authority), the European Public Ethics Network. While the Network is new and not much can be said of its operation or impact, its existence is interesting, as is the fact that Finland (and the EU itself) are not part of it.

Beyond this new example of exchanges and circulations of regulatory frameworks and practices among select EU Member States, the REVOLVE project adds another layer of study, namely, the EU level itself. At the moment, our study is limited to the post-mandate occupations of former Commissioners and to an analysis of the opinions of the IEC (Independent Ethical Committee) and Commission decisions, complemented with interviews of former and current IEC members as well as Commission officials at the Secretariat General. Our future goal is to broaden the scope of fieldwork to cover, for instance, Commission staff. The EU framework has been developed since the early 2000s and, like national systems, is based on a system of cooling-off periods (2 years for Commissioners, 3 years for a Commission President) during which former Commissioners are expected to notify the Commission of their new occupations.

It should be noted here that only in Finland, a cooling-off period is literally a period during which one cannot work if the new position is related to one's former occupation. If a former ministerial adviser wants a new job as a florist, a cooling-off period does not apply. In other systems, a cooling-off period means that revolvers can take up a new position, but they need to observe certain restrictions and limitations.

Approach

The REVOLVE project, consisting of a multidisciplinary team (two legal scholars and one political scientist), applies a mixed methodology approach.

Rather than researching how widespread or systematic the revolving doors phenomenon is, we address the identified research gaps and the lack of empirical, particularly qualitative, data by interviewing revolvers and regulators. As a result, we hope to be able to provide a micro-level perspective on revolving doors and their regulation. Why do revolvers move across sectors? Can they take past information and expertise with them? Does the status of a revolver benefit them, or is it a hindrance? How do they feel about cooling-off periods? National regulations do not kick in automatically and, for instance, in Finland, the public sector employer has discretion in enforcing cooling-off periods. How is this discretion used in these cases when a revolver moves to another sector?

To this purpose, we have developed a socio-legal approach which has two key elements: document analysis and interviews.

With regard to the first, we analyse documents from public authorities (decisions from the French HATVP, the EU's Independent Ethical Committee, the Slovenian Commission for the Prevention of Corruption, Finnish ministries and agencies). These documents contain valuable information on the logic of the regulation as well as the administrative discretion that public sector employers exercise in actual cases of revolving doors. These documents are analysed in a bid to reveal the broader dynamics as well as practices of the authorities. This approach allows us to understand the building of (legal) definitions of key notions associated with the revolving doors phenomenon such as consulting, lobbying, and conflict of interests. Studying the opinions and decisions, we aim to draw the contours of these important concepts, but to also unearth any (latent) ambiguities and ambivalences. The approach is also a way of accessing, through a close-reading of the documents, the practices and representations of actors in charge of regulating revolving doors as well as their decision-making methods.

To complement this type of document analysis, we are conducting interviews in our four fields of political and legal systems: in three Member States and at the EU level. This is the second element of our research design. We have already conducted interviews at the EU level (the Independent Ethical Committee), and while we analyse those interviews, we have begun interviews in the three Member States. In each Member State, the interviews began with the responsible authority (or authorities) and are now expanding to cover a group of revolvers. This group is not the same in each country because the legal systems focus on slightly different actors. In Slovenia, the focus is on former holders of public office (ministers, state secretaries, secretaries-general), in

Finland on ministerial advisers, and in France on administrative staff from ministries.

Our research has just begun, but already now we have come across three issues that seem relevant to the comparative analysis of revolving doors. First, there is a need to include mid-level staff in order to understand the broader phenomenon and its anchoring in public administration. Second, there is a need to perceive the revolving door phenomenon as a mode of circulation also including moves from the private sector to the public sector. Such circulations have been neglected in the literature so far. Third, we have come across various “grey zones” or “continuums of circulation”, that is, moves to or from state-owned companies, back and forth revolving doors, multipositional or accumulating revolving doors (a revolver with several moves at the same time), revolving doors in situations of temporary positions, and so on.

Conclusion and theoretical expectations

REVOLVE is a project in its early stages, but we hope to show the importance of studying revolving doors beyond the quantification of circulations. We believe that only by conducting in-depth qualitative studies can we understand the logic of revolving doors and the set of rules that regulate it.

Provisionally we would like to argue that the development and regulation of revolving doors must be linked with the *changing nature of expertise within contemporary governments*. REVOLVE aims to distance itself from some of the normative bias present in the literature that sees revolving doors as leading to regulatory capture. Instead, we hope to develop an alternative analytical framework that understands revolving doors as a mode of accumulation and circulation of knowledge and expertise without neglecting its potential problems. We argue that understanding the importance of expertise is also central to devising effective regulation. The key question is how to enable the circulation of expertise but to prevent the abuse of connections and confidential or non-public information.

The phenomenon of revolving doors changes and its effective regulation must be contextualised and connected to the transformations of the public sector (asking, for instance, whether a reduction of governmental expertise

contributes to revolving doors), changes in the private sector (studying for instance, the development of a market for consultancy firms), and the changing relationship between them (understanding how social spheres of “private” and “public” are evolving over time and across countries). By asking these questions in three EU Member States and the EU and comparing our findings, we can hopefully contribute to a better understanding of this important but little studied phenomenon and its ramifications for democratic governing.

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