

Wägenbaur proves there's life after the Legal Service



Rolf Wägenbaur

FACTFILE

BORN: Tübingen, Germany; 3 November 1930
EDUCATION: Toulouse University (France) and Tübingen University (Germany)
LIVES: Brussels; has second home in the South of France; married with two children; 10 grandchildren
HOBBIES: Walking and climbing in the Italian Alps
CV DATES
1962-1995: European Commission Legal Service (becomes a director in 1991)
1996-2006: Graf von Westphalen Bappert & Modest in Brussels
2007: Joins Alber & Geiger

How did one of the European Commission Legal Service's top lawyers end up working for an 'EU lobbying law firm'? Professor Dr Rolf Wägenbaur of Alber & Geiger explains all to Ian Hall in Brussels

Celebrating his 78th birthday in the week of *Public Affairs News's* visit to Brussels, Professor Dr Rolf Wägenbaur is one of the most experienced legal minds in a city chock-a-block with lobbyists and lawyers.

The German national moved here almost a half-century ago to join the European Commission's Legal Service and spent his entire career defending the institutions until suffering enforced retirement at 65. Now the boot is firmly on the other foot: he has since concluded a decade working for German law firm Graf von Westphalen Bappert & Modest, and has just completed his first 12 months as senior adviser with 'EU lobbying law firm' Alber & Geiger (A&G).

A&G – named after Siegfert Alber, the former advocate-general of the European Court of Justice, and Dr Andreas Geiger, the former CEO of Cassidy & Associates Europe – was set up just over 18 months ago. The company has regularly featured in the pages of this magazine, winning EU-related contracts from clients such as the Council for a Democratic Iran and the Bulgarian government.

Lawyers and lobbying

PAN meets Wägenbaur in A&G's rented premises, located between the Grand Place and Brussels' Eurocrat district. The office's sole occupant on the morning of *PAN's* visit, Wägenbaur points out that he is A&G's only employee to be solely based in Brussels (Geiger himself, for example, shuttles between Brussels and Berlin, where A&G has its other office).

On its website, A&G bullishly claims to 'combine lobbying and legal firepower' in a

'unique way' to influence EU policy. *PAN* asks Wägenbaur if he sees himself (in his A&G capacity) as a lawyer. "Yes," he replies without hesitation. And is he a lobbyist? "Yes," he replies, again quickly. He goes on to explain: "I am, by training and by the activities for most of my life, a lawyer. By way of thinking I am a lawyer. I would say that I work for a law firm that specialises in lobbying."

Wägenbaur's link with Andreas Geiger stretches back to the late 1990s, when the former was at Graf von Westphalen and Geiger was a *stagiaire*. Wägenbaur recalls: "I advised him on his doctorate and sent him to a professor at Tübingen University who specialised in competition law. Over the years we have remained in contact."

Asked how his employment by A&G came about, Wägenbaur says: "I didn't know about Andreas's company, but I knew about Alber, the former advocate-general, who is well known in European circles. I said: "Let's look at what we can do together."

On Bulgaria and Nigeria

Wägenbaur has recently been advising the Bulgarian government, which called in A&G after the EU pulled the plug on funding over concerns such as corruption.

Wägenbaur admits corruption is a "very, very serious" problem in the Balkan state but he argues that corruption is "everywhere". He goes on: "Alber & Geiger has looked at all the reports that the EC has done on Bulgaria. We are asking why Bulgaria has been singled out – isn't the situation the same in Romania? If you ask the Commission this, you will never get an answer.

If Andreas asks me to do something, I am available

“The EC relies, for example, on groups like Transparency International to get some of their information. We found their way of interpreting the figures could have been done in another way. We went to see a man from their Berlin office, who was here in Brussels – to a certain extent, they agreed. We try to see if reports such as theirs can be interpreted in another way.”

He continues: “We are trying to convince the European Commission that what we are doing is not ‘PR’, that we are doing legal work. Secondly, we think the European Commission should look at the possible effects of their hardliner attitude.”

“There is a general election soon in Bulgaria and the EC should not underestimate the effects of an attitude that could be considered by the Bulgarian population as hostile to them. Bulgaria could elect a government hostile to the EU, which could have effects in Brussels.”

The only paperwork on Wägenbauer’s desk during PAN’s interview is his CV and, intriguingly, a list of nations that A&G has targeted for new business. He explains: “Andreas made offers of three or four pages, telling these countries what our law firm specialising in lobbying can do for them.”

He reveals that A&G has had meetings with Brussels representatives of Nigeria, Belarus and Burundi in October. The latter two, he feels, are unlikely to lead to contracts but he is optimistic that the meetings with the Nigerians were well-received.

Wägenbauer says: “We developed some ideas that I hope they sent to their capital. For example, the European Community, together with African countries, could think of establishing an ‘Euro-African Environmental Fund’. Such an institution could, for instance, fund solar energy. There are pilot projects going on in various countries. This would help save African forests. The Nigerian ambassador here was interested.”

Serving the Legal Service

Wägenbauer arrived in the city that he now calls home in 1962, joining the Legal Service at the age of 31. He was based on Rue Belliard, one of the EU district’s main arteries. He says: “Everything was much more modest then. I remember the telephone list of all the staff – it was on just one sheet of paper!”

Much of Wägenbauer’s Legal Service career was spent defending the European institutions in Luxembourg. Reflecting on his highlights, he talks of his involvement in the famous Cassis de Dijon case over minimum alcohol-content requirements. The ruling was almost three decades ago, but – with

Rolf Wägenbauer

WHAT OTHERS SAY

FORMER GRAF VON WESTPHALEN COLLEAGUE: Jürgen Gündisch (former colleague at Graf von Westphalen, now retired): “Rolf was once or twice my ‘opponent’ when he was at the Legal Service. I knew him as an excellent lawyer – 65 was too young for him to have to retire. I was very much in favour of getting him at Graf von Westphalen.”

FORMER TRAINEE: Xavier Lewis (former trainee at the Legal Service, where he still works): “I was Rolf’s trainee in 1983 and had such a good time that I stayed with the Legal Service! He is an unusually cultured man, so well versed in French literature. He reached a very eminent position here but the guillotine date – 65 – came and that was it. The only time he ever lost his patience was when he left his glasses at home and a storm meant he was stuck (without them) in the office.”

CURRENT COLLEAGUE: Dr Andreas Geiger (managing partner of A&G): “Rolf is one of the most highly respected former top officials of the European Commission. He was one of the first to actively move into private practice after leaving the Commission. Fortunately, he chose us.”

Germanic precision – Wägenbauer can still recall its case number as 120/78.

When he joined, the Legal Service had fewer than 20 lawyers, he reckons (the Union itself had just six member states – 21 fewer than today). He reflects: “Nowadays it has expanded greatly, there must be more than 200 lawyers.”

He says his final years with the Commission were the “most interesting”, with environmental issues shooting up the political agenda. For example, he recalls spending a fortnight in Rio de Janeiro for the Earth Summit in 1992 (“an excellent thing”). He went several times to New York, too. He observes: “Finally it seems the US is ‘getting’ the importance of this sector. I think Europe did a good job in this area – creating legislation to protect the environment.”

He certainly didn’t want to retire at 65: “You couldn’t do it at my time, but now you can add two to three more years onto your time. I would have done that.”

In 1996 he joined Graf von Westphalen, where he was a “lawyer with a small amount of lobbying.” He recalls representing luxury-goods firm Davidoff, which was concerned that restrictions on tobacco advertising would hit its ‘Cool Water’ brand. He admits: “Finally the legislation was annulled. Actually, it was not because of us, but because the German state challenged it.”

“I still feel committed”

PAN’s interview moves back to the present-day and the hot-topic of the European Transparency Initiative (ETI) and the European Commission’s ‘register of interest representatives’, which Wägenbauer says he has been following “very closely”. He says: “I think the ETI is a good thing but that the Commission could have gone a little further. In the long run I think the register should be compulsory.”

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Referring to the fact that most law firms (including A&G) have yet to register, Wägenbauer points out: “For lawyers there is the problem that if a client does not want to be mentioned, a lawyer is duty-bound to obey. I am aware these considerations are going on; it’s an unsolved question.”

Wägenbauer’s role with A&G is part-time (“If Andreas asks me to do something, I am available,” is his how he modestly describes his time-commitment), meaning he has time to enjoy living with his French wife (whom he married when he was a student) in “a nice green area” in Brussels’ ‘southern belt’.

Both their two children have produced five children, meaning Wägenbauer is a grandfather 10 times over. His son is a lawyer at Kemmler Rapp Böhlke in Brussels, while his daughter married a Venezuelan and lives in Caracas. Wägenbauer enjoys walking and climbing (he holidays in Sesto in the Italian Alps) and also has a house in the south of

France: “If I want to go away, I tell Andreas and he accepts. It is very convenient.”

Given that he is now 13 years beyond retiring from the Commission, PAN asks if he has any plans to retire for good. He turns up his nose: “I am totally opposed to a fixed retirement date. Why should it be the same for all people? It’s ridiculous.”

He continues: “I still feel committed. If I feel the Commission is doing wrong, I don’t see why I shouldn’t crawl against them. In the past, I have had no problem taking the Community to court because I was convinced that my legal representation was the right one, for instance on the tobacco advertising ban directive.”

By the end of PAN’s interview it is clear that Wägenbauer, with his detailed knowledge of EU legislative procedures, is a useful man for A&G to have on board. PAN

Alber & Geiger

FACTFILE



- ‘EU lobbying law firm’ named after Siegbert Alber, the former advocate-general of the European Court of Justice, and Dr Andreas Geiger, the former CEO of Cassidy & Associates Europe
- Launched in March 2007 in Brussels; also has an office in Berlin; eight staff listed on its website
- Shortlisted as ‘European Consultancy of the Year’ at the *Public Affairs News Awards* in July