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*Plenary sitting*

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**A9-0181/2024**

22.4.2024

## REPORT

on the conclusion of an Agreement between the European Parliament, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union  
(2024/2008(ACI))

Committee on Constitutional Affairs

Rapporteur: Daniel Freund

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## PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### **on the conclusion of an Agreement between the European Parliament, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union (2024/2008(ACI))**

*The European Parliament,*

- having regard to the Conference of Presidents' decisions of 14 and 19 March 2024, endorsing the draft interinstitutional Agreement establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union,
- having regard to the draft Agreement between the European Parliament, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union (the 'Agreement'),
- having regard to Article 13 of the Treaty on European Union,
- having regard to Article 232 of the Treaty on the Functioning of the European Union,
- having regard to the communication from the Commission of 8 June 2023 on a proposal for an interinstitutional ethics body and the annexes thereto<sup>1</sup>,
- having regard to its resolution of 16 September 2021 on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body<sup>2</sup>,
- having regard to its resolution of 15 December 2022 on suspicions of corruption from Qatar and the broader need for transparency and accountability in the European institutions<sup>3</sup>,
- having regard to its resolution of 16 February 2023 on the establishment of an independent EU ethics body<sup>4</sup>,
- having regard to its resolution of 16 February 2023 on following up on measures requested by Parliament to strengthen the integrity of the European institutions<sup>5</sup>,

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<sup>1</sup> COM(2023)311.

<sup>2</sup> OJ C 117, 11.3.2022, p. 159.

<sup>3</sup> OJ C 177, 17.5.2023, p. 109.

<sup>4</sup> OJ C 283, 11.8.2023, p. 31.

<sup>5</sup> OJ C 283, 11.8.2023, p. 27.

- having regard to its resolution of 12 July 2023 on the establishment of the EU ethics body<sup>6</sup>,
  - having regard to its resolution of 13 July 2023 on recommendations for reform of European Parliament’s rules on transparency, integrity, accountability and anti-corruption<sup>7</sup>,
  - having regard to Rule 148(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A9-0181/2024),
- A. whereas the independence, transparency and accountability of EU institutions are of the utmost importance for their democratic legitimacy and for fostering citizens’ trust; whereas the European Parliament today ranks amongst the most transparent legislatures in the world;
  - B. whereas there is a need to address the shortcomings stemming from the current ethics framework, which is fragmented across the EU institutions, bodies, offices and agencies, with different rules, procedures and levels of enforcement;
  - C. whereas Parliament proposed, in its resolution of 16 September 2021, and reiterated, in its subsequent resolutions of 16 February 2023 and 12 July 2023, to set up an ambitious, genuine and independent ethics body;
  - D. whereas the Commission presented its proposal for the establishment of an interinstitutional ethics body on 8 June 2023, putting forward a standard-setting body; whereas that Commission proposal fell far short of the ambition put forward in Parliament’s resolutions, mainly lacking in capacity to examine individual cases and potential breaches of ethical rules as well as to recommend sanctions;
  - E. whereas Parliament’s resolutions of 16 February 2023 on the establishment of an independent EU ethics body<sup>8</sup> and on following up on measures requested by Parliament to strengthen the integrity of the European institutions<sup>9</sup> and of 12 July 2023 on the establishment of the EU ethics body<sup>10</sup> served as the Parliament’s negotiating mandate;
  - F. whereas an interinstitutional ethics body will contribute to strengthening trust in Union institutions and their democratic legitimacy, as well as to building an institutional culture based on the highest ethical standards;
  - G. whereas Parliament’s current ethical rules in its Rules of procedure provide for many standardised written declarations including declarations of private interests, declarations of assets, declarations on awareness of conflict of interests for office holders, rapporteurs, shadow-rapporteurs and participants in an official delegation or interinstitutional negotiations, declarations of scheduled meetings with interest representatives, also when delegated to their assistants, declarations of input by the rapporteurs on their files, declarations of attendance at events organised by third parties, declarations of gifts and declarations of intergroups or informal groupings on external

<sup>6</sup> Text adopted, P9\_TA(2023)0281.

<sup>7</sup> Texts adopted, P9\_TA(2023)0292.

<sup>8</sup> OJ C 283, 11.8.2023, p. 31.

<sup>9</sup> OJ C 283, 11.8.2023, p. 27.

<sup>10</sup> Text adopted, P9\_TA(2023)0281.

financial support;

1. Welcomes the Agreement enabling the development of strong common ethical standards and the exchange of best practices, and allowing for individual cases to be examined by the independent experts at the request of an institution or an advisory body that is a party to the Agreement regarding any declaration of their Members;
2. Underlines the fact that the final decision-making power on implementation remains with the relevant authorities of the institutions or bodies; notes that any consultation of the independent experts on an individual case begins with a request as regards its own members of a party to the Agreement in accordance with its internal rules; underlines that the declarations of financial interests of the Commissioners-designate, as high level cases transcending the interests of the institution concerned, should as a rule be subject to examination by the independent experts;
3. Reiterates, however, that Parliament remains fully committed to an independent ethics body, capable of carrying out investigations on its own initiative and issuing recommendations for sanctions to the responsible authorities of the participating institutions or bodies, composed of independent experts as full members, that covers Members of EU institutions and bodies before, during and after their term of office or service as well as staff, as envisaged in Parliament's resolution of 16 September 2021 on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body<sup>11</sup> and reiterated in its resolutions of 16 February 2023 on the establishment of an independent EU ethics body<sup>12</sup> and of 12 July 2023 on the establishment of the EU ethics body<sup>13</sup>;
4. Regrets that the European Council decided not to join the Agreement;
5. Regrets the unwillingness of the Council to extend the scope of the Agreement to at least the representatives at ministerial level of the Member State holding the Presidency of the Council, by arguing that there is no legal basis in the Treaties to adopt common minimum standards applying to the representatives of Member States; commits to use the first review of the Agreement to address this legal gap and calls, in the meantime, on the upcoming Council Presidencies to voluntarily apply its provisions; is of the opinion that Members of the Council, like Members of the European Parliament, could be bound by the rules set by the Council pursuant to its power of self-organisation, which would prevail in the event of a conflict with national rules; underlines, in this context, that representatives of the Member States gathered in the Council act in their capacity as Members of the Council when adopting EU legal acts; commits to seeking a legal clarification as to whether the Council could bind its Members by common minimum standards;
6. Takes the view that the resources made available must enable the proper functioning of both the actual body composed of one representative of each party to the Agreement and the five independent experts assisting the institutional representatives and joining the body as observers, as well as any necessary support therefor; regrets that according

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<sup>11</sup> OJ C 117, 11.3.2022, p. 159.

<sup>12</sup> OJ C 283, 11.8.2023, p. 31.

<sup>13</sup> Texts adopted, P9\_TA(2023)0281.

to Article 17 of the Agreement, any cost resulting from a consultation of the independent experts is to be covered by the requesting party, as this might result in a limitation of the number of such consultations;

7. Is of the opinion that the independent experts, which shall be appointed by consensus of the parties to the Agreement, shall have professional experience specifically in the areas of ethics, integrity and transparency, in addition to the requirements outlined in Article 5(2) of the Agreement referring to an impeccable record of professional behaviour and experience in high-level functions in European, national, or international public organisations;
8. Emphasises the essential role of the independent experts in examining individual cases at the request of a party to the Agreement; is of the opinion that each party sending a small random sample of cases to the independent experts would be highly beneficial for the purpose of developing or updating an ethical standard;
9. Believes the body should rely on the existing powers of institutions to ask their members for information or on the agreement of national authorities to share information; believes that the independent experts should be able to exchange information with national authorities where necessary for the performance of their tasks, while treating such information with the same confidentiality as the originating authority did; stresses in this regard that the independent experts should have access to the administrative documents of participating parties, especially the party consulting them on a case, in order to allow them to carry out well-reasoned and well-documented assessments;
10. Notes that the independent experts shall designate a speaker from amongst them; takes the view that the independent experts should have full autonomy in organising their work, as well as in convening their own meetings;
11. Believes that the reasoned recommendation of the independent experts, without prejudice to the General Data Protection Regulation and personal rights, should be made public by the institution or body, together with the decision of the competent authority who should provide an explanation if the recommendations are not fully followed;
12. Calls for the interinstitutional ethics body to lead by example on transparency by publishing all recommendations, annual reports, decisions and records of spending in a machine-readable open data format available to all citizens, and in accordance with the applicable data protection rules, including, inter alia, the written opinion of the independent experts on the institutions' self-assessments in accordance with Article 10 and the anonymised and aggregated annual account of every year which summarises in aggregated and anonymised form the consultations and questions submitted by the parties and actions to follow them up in accordance with Article 7(4); underscores the importance of protecting the privacy of the individuals concerned to an appropriate extent and the presumption of innocence; calls on the parties to the Agreement to develop common guidance for the consultation of the independent experts and the publication of their recommendations;
13. Believes that, in order to be fully effective, the interinstitutional ethics body would need to combine the functions of existing organs responsible for ethics and that therefore, for

cases which require specific consideration or for the purpose of developing or updating an ethical standard each participating party should consult the independent experts;

14. Remains committed to constructively engaging in the review of the Agreement which is to be conducted three years after its entry into force in order to improve and enhance the ethics body, as provided for in Article 21 of the Agreement;
15. Recalls its position that the body should be able to investigate on its own initiative alleged breaches of ethical rules by officials and staff of EU institutions and to conduct on-the-spot and records-based investigations using the information that it has collected or that it has received from third parties;
16. Approves the conclusion of the Agreement annexed hereto;
17. Instructs its President to sign the Agreement with the President of the Council, the President of the Commission, the President of the Court of Justice of the European Union, the President of the European Central Bank, the President of the Court of Auditors, the President of the European Economic and Social Committee and the President of the Committee of the Regions and arrange for its publication in the *Official Journal of the European Union*;
18. Instructs its President to forward this decision, including its annex, to all the parties to the Agreement for information.

**ANNEX: AGREEMENT BETWEEN THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN COMMISSION, THE COURT OF JUSTICE OF THE EUROPEAN UNION, THE EUROPEAN CENTRAL BANK, THE EUROPEAN COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE EUROPEAN COMMITTEE OF THE REGIONS, ESTABLISHING AN INTERINSTITUTIONAL BODY FOR ETHICAL STANDARDS FOR MEMBERS OF INSTITUTIONS AND ADVISORY BODIES MENTIONED IN ARTICLE 13 OF THE TREATY ON EUROPEAN UNION**

THE EUROPEAN PARLIAMENT,

THE COUNCIL OF THE EUROPEAN UNION,

THE EUROPEAN COMMISSION,

THE COURT OF JUSTICE OF THE EUROPEAN UNION,

THE EUROPEAN CENTRAL BANK,

THE EUROPEAN COURT OF AUDITORS,

THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE,

THE EUROPEAN COMMITTEE OF THE REGIONS

Whereas:

- (1) Ethics, integrity and transparency are essential for maintaining the trust of the citizens of the Union in the political, legislative and administrative work of the Union's institutions. Union actors will endeavour to foster convergence on a common culture based on these values, in accordance with the Treaties.
- (2) Members of institutions of the Union and advisory bodies of the Union referred to in Article 13 of the Treaty on European Union have a particular responsibility to uphold and embody the ethical principles and obligations set out in the Treaties as well as the rules each institution and advisory body has derived from them.
- (3) It is important that institutions and advisory bodies of the Union have and apply clear and transparent rules in that regard. They should also have a common framework of minimum standards of integrity and independence for their members and should have mechanisms to ensure compliance with the ethical rules which are applicable to their members.



- (4) The purpose of this Agreement is to establish an interinstitutional framework for cooperation on ethical standards for the members of the Parties, setting up an interinstitutional body for ethical standards (the 'Body'). Upon its request, the European Investment Bank may also become a Party to this Agreement after it enters into force.
- (5) In order to guarantee the independence of the judiciary, the role of the Court of Justice of the European Union in the context of this Agreement should be limited to that of an observer. This role would allow it to benefit from the Body's common minimum standards in the reflection on its own ethical rules.
- (6) The tasks of the Body should be to develop common minimum standards for the conduct of the members of the Parties in a defined number of areas in accordance with this Agreement (the 'common minimum standards'), to hold exchanges of views on the self- assessment made by an institution or advisory body on the alignment of its internal rules with the common minimum standards, and to foster inter-institutional cooperation in this area. The Body should also contribute to raising awareness of the importance of ethical conduct and of the common minimum standards. To that end, independent experts may contribute to the efforts of the Body.
- (7) Union bodies, offices or agencies, other than the Parties to this Agreement, may voluntarily choose to apply the entire set of common minimum standards developed and to be developed by the Body, in relation to the rules applicable to the persons, other than their staff, who hold a function similar to those of the members of the Parties to this Agreement.
- (8) The exchange of views on self-assessments should also apply to the Union bodies, offices and agencies, other than the Parties, that voluntarily choose to apply the entire set of common minimum standards. To that end, each of them should designate a representative for the sake of the exchange of views.
- (9) In the application of this Agreement, full account should be taken of the characteristics and specific status of each Party to this Agreement and its members.
- (10) Nothing in this Agreement should prevent a Party to this Agreement from imposing higher ethical requirements on its members, in particular in consideration of a specific risk associated with the mandate and tasks of the Party to this Agreement or of its members.

- (11) Nothing in this Agreement should, under any circumstance, constitute grounds for lowering the ethical standards already applied by a Party to this Agreement in the matters covered by this Agreement.
- (12) Declarations of interests and other standardised written declarations of members are used by institutions and advisory bodies of the European Union. Each Party to this Agreement should have the possibility to consult or submit questions to the independent experts in that regard, if that Party deems this to be particularly relevant either for cases which require specific consideration or for the purpose of developing or updating an ethical standard. To this effect, the independent experts should submit a report to the Body on an annual basis, summarising in aggregated and anonymised form the consultations and questions submitted by the Parties to this Agreement and their follow-up. Such consultation and questions should however not be used in procedures laid down in the Treaties for appointing or electing members of a Party to this Agreement in accordance with criteria set out in the Treaties.
- (13) The Body's functioning should not impinge on the competences of any of the Parties as set out in the Treaties or affect their respective powers of internal organisation or the system of checks and balances established by the Treaties. It should also not impinge on the powers of other bodies, including those of the European Anti-Fraud Office (OLAF) and the European Ombudsman.
- (14) Each Party to this Agreement should strive to ensure gender balance in the appointment of its representatives and alternate representatives to the Body. The overall composition of the Body, comprising its members (representatives and alternate representatives) and its Chair, as well as the independent experts should tend towards gender balance and geographical diversity.
- (15) When exercising their tasks under this Agreement, the Body and the independent experts should take into account the different functions exercised by the High Representative of the Union for Foreign Affairs and Security Policy under the Treaties.
- (16) The Parties to this Agreement should always practice mutual sincere cooperation when implementing this Agreement.
- (17) Staff of the institutions and advisory bodies are subject to rules on ethical behaviour under the Staff Regulations of the Officials of the European Union and the Conditions of Employment of other servants of the Union, laid down in Council Regulation (EEC,

Euratom, ECSC) No 259/68<sup>1</sup>, as well as the conditions of employment and the staff rules for the staff of the European Central Bank. The Parties to this Agreement should share best practices in fora dedicated to the implementation of staff rules and, to the extent that they are relevant, draw on the common minimum standards to inform them when reviewing their internal rules for the application of those staff rules.

- (18) This Agreement is signed by the Parties following completion of their respective internal procedures for that purpose,

AGREE AS FOLLOWS:

## Article 1

### Subject-matter and scope

1. The European Parliament, the Council of the European Union, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions ('the Parties') establish by this Agreement an interinstitutional framework for cooperation on ethical standards setting up an interinstitutional body for ethical standards ('the Body') for the members of the Parties.

This Agreement sets out the framework and the operating principles of the Body.

2. The role of the Court of Justice of the European Union in the context of this Agreement shall be limited to that of an observer. In that capacity, it shall attend the meetings of the Body, without participating in the decision-making process, and shall receive the information made available to the members of the Body, insofar as those meetings and that information relate to the application of Article 8.
3. The minimum standards developed by the Body in accordance with this Agreement for the conduct of the members of the Parties (the 'common minimum standards') shall take into account the status of the members of the Parties and shall not enter into conflict with their European Union mandate.

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1, ELI: [http://data.europa.eu/eli/reg/1968/259\(1\)/oj](http://data.europa.eu/eli/reg/1968/259(1)/oj).

4. In the case of members of the Parties who exercise their European Union mandate on the basis of, or in addition to, a national, regional or local mandate or another function or activity subject to specific national rules, the common minimum standards shall only be relevant for the exercise of the European Union mandate.
5. Upon its request, the European Investment Bank shall become a Party to this Agreement. Its participation in the Body shall take effect from the date it appoints a representative to the Body in accordance with Article 3(1). With regard to any common minimum standard developed by the Body prior to the effective participation of the European Investment Bank, Article 23(2) shall apply.

## Article 2

### Definition of ‘members of the Parties’

1. For the purposes of this Agreement, ‘members of the Parties’ means:
  - (a) the members of the European Parliament;
  - (b) the High Representative of the Union for Foreign Affairs and Security Policy, including in his or her function as President of the Foreign Affairs Council;
  - (c) the members of the European Commission;
  - (d) the members of the Executive Board of the European Central Bank as well as the Members of the Governing Council and of the Supervisory Board of the European Central Bank when exercising their functions;
  - (e) the members of the European Court of Auditors;
  - (f) the members of the European Economic and Social Committee in relation to the exercise of their European Union mandate;
  - (g) the members and alternates of the European Committee of the Regions, except in relation to the exercise of their local or regional mandate.
2. If the European Investment Bank becomes a Party pursuant to Article 1(5), the definition in paragraph 1 shall include the members of the Management Committee of the European Investment Bank as well as the Members of the Board of Directors of the European Investment Bank when exercising their functions.

## Article 3

## The Body

1. Each Party shall be represented in the Body by one member ('the member of the Body'). To that effect, each Party shall appoint a representative and an alternate representative who shall sit as a member of the Body when the representative is absent or impeded. The representatives and their alternates shall be appointed at the maximum 2 months after the date of entry into force of this Agreement. Each Party shall strive to ensure gender balance in the appointment of its representatives and alternate representatives.
2. The representatives of the Parties shall, in principle, be at the level of a Vice-President or at an equivalent level.
3. Each Party shall have full discretion to proceed with the replacement or reappointment of its representative or alternate representative, while always striving to ensure gender balance amongst the representatives and alternate representatives. In any event, the term of a representative or alternate representative shall automatically come to an end when that representative or alternate representative ceases to hold office in the Party that he or she represents.
4. The Body shall act by consensus, unless the Rules of Procedure to be adopted pursuant to Article 14 explicitly provide otherwise in respect of procedural and administrative questions.

## Article 4

### Chair of the Body

1. The representative of each Party shall chair the Body on a rotating basis for a term of 1 year unless the Party chooses to waive its right to do so. The rotation among the Parties shall follow the order of institutions in the list laid down in Article 13(1) of the Treaty on European Union. Once that list has been exhausted, the rotation shall continue with the two advisory bodies referred to in Article 13(4) of the Treaty on European Union. It shall then continue with the European Investment Bank if the latter becomes a Party pursuant to Article 1(5) of this Agreement.
2. The Chair shall organise the work of the Body, ensuring that the appropriate organisational and procedural measures are taken and bringing all required information and documents to the attention of the members of the Body.

## Article 5

### Independent experts

1. The Body shall be assisted by five independent experts who shall attend all meetings of the Body as observers and shall advise the members of the Body on any ethical question related to the mandate of the Body (the ‘independent experts’). The independent experts shall designate a speaker from amongst them. They shall observe the highest ethical standards, at least equivalent to the common minimum standards.
2. The independent experts shall be appointed taking into account their competence, experience, independence and professional qualities. They shall have an impeccable record of professional behaviour as well as experience in high-level positions in European, national, or international public organisations. They shall be selected upon a proposal by a Party and by consensus of the Parties following a procedure which consists of seeking in a transparent manner the best available individuals in respect of whom the Parties can reach consensus. The details of the procedure shall be laid down by the Body.
3. The independent experts shall declare to the Body any conflicts of interest which could impair their independence or impartiality. In such cases, the Body shall decide whether any measures need to be taken and, if necessary, on the appropriate measures.
4. When appointing the independent experts, the Parties shall strive to ensure gender balance and geographical diversity.
5. The term of the independent experts shall be 3 years, renewable once. If an independent expert ceases office before the completion of the 3-year term or if the Parties decide by consensus to revoke the appointment of an independent expert, the Parties shall appoint by consensus a new independent expert for 3 years.
6. For purely administrative purposes, the independent experts shall receive the status of Special Adviser from the Commission and shall be administratively attached to the Commission. They shall be reimbursed the travelling and accommodation expenses they incur when carrying out their duties. They shall receive a *per diem*

allowance per day of work calculated on the basis of the remuneration of a Union official in grade AD12.

## Article 6

### Mandate of the Body

1. The Body shall contribute to promoting a common culture of ethics and transparency amongst the Parties, in particular by developing common minimum standards and by fostering the exchange of best practices on the matter.
2. The Body's tasks shall be as follows:
  - (a) to develop common minimum standards for the conduct of the members of the Parties, in the areas referred to in Article 8;
  - (b) to update the common minimum standards, in accordance with Article 9;
  - (c) to hold an exchange of views on the basis of each Party's self-assessment or the self-assessment of a voluntarily involved Union body, office or agency as regards the alignment of its own internal rules with the common minimum standards, in accordance with Article 10;
  - (d) to provide the Parties with an abstract interpretation of common minimum standards;
  - (e) to promote cooperation among the Parties on issues of common interest related to their internal rules on the conduct of their members and to promote exchanges with any other European, national or international organisation whose work is relevant for the development of common minimum standards;
  - (f) to issue an annual report in accordance with Article 18.
3. The functioning of the Body shall neither impinge on the competences of the Parties nor affect their respective powers of internal organisation. In particular, the Body shall, without prejudice to Article 7, not be competent as regards the application of a Party's internal rules to individual cases.

## Article 7

### Consultation of the independent experts by a Party

1. If deemed to be particularly relevant by a Party, either for cases which require specific consideration or for the purpose of developing or updating an ethical standard, the Party may consult and submit questions to the independent experts on the compliance of declarations of interests or any other standardised written declarations, or elements or drafts of such declarations, of its own members with the common minimum standards developed by the Body and reflected by the Party in its internal rules. Pending agreement on common minimum standards such questions may be referred to the independent experts based on other relevant standards applicable to the Party.
2. The decision of the Party on the consultation and the questions to the independent experts shall be taken in accordance with the Party's own rules.
3. The independent experts shall provide the Party with a confidential and non-binding written opinion in response to the consultation or the questions. The opinion shall be delivered within a reasonable period agreed with the Party. Where the opinion of the independent experts is not adopted unanimously, the opinion shall include any dissenting point of view. The deliberations of the independent experts shall be confidential.
4. In order to inform the Body's assessment of the necessity to develop or update common minimum standards, the independent experts shall provide an anonymised and aggregated annual account of the consultations and questions submitted by the Parties and their follow-up so as to recommend, where appropriate, to the Body that the common minimum standards be developed or updated.
5. This Article shall be without prejudice to the mandate of the Body under Article 6.

#### Article 8

##### Development of common minimum standards

1. In line with Article 1(3) and (4), the common minimum standards shall be developed in compliance with the rights and obligations of the members of the Parties as they result from the Treaties and other rules applicable to those members. The common minimum standards shall not affect the system of checks and balances established by the Treaties.
2. The common minimum standards shall relate to the following areas:



- (a) financial and non-financial interests to be declared by the members of the Parties;
- (b) external activities of the members of the Parties during their terms of office;
- (c) the acceptance of gifts, hospitality, or travel offered by third parties to the members of the Parties during their terms of office;
- (d) the acceptance of awards, decorations, prizes and honours by the members of the Parties during their terms of office;
- (e) activities of the members of the Parties after the end of their terms of office;
- (f) conditionality and complementary transparency measures within the meaning and scope of the Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register<sup>2</sup>, in particular as regards meetings of members of the Parties with interest representatives as defined in Article 2, point (a), of that Agreement.

3. The Body shall also develop common minimum standards with respect to:

- (a) general procedures established by the Parties to ensure and monitor compliance with their internal ethical rules, in particular concerning matters such as regular awareness raising actions, the composition and tasks of internal bodies responsible for ethical questions, reporting mechanisms to the Party concerned in the case of a suspected breach of ethical rules - including reporting on alleged harassment involving members of the Parties as well as follow-up action on the report and protection of the reporting persons against retaliation -, and procedures to initiate or adopt appropriate measures in the case of breaches;
- (b) publication requirements in the areas referred to in paragraph 2.

4. Further common minimum standards in areas other than those listed in paragraphs 2 and 3 may be developed by the Body.

5. The Body shall agree on the common minimum standards within 6 months following the appointment of both its members and the independent experts, in accordance with

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<sup>2</sup> OJ L 207, 11.6.2021, p. 1.

Article 3(1) and Article 5(2), respectively, and within 6 months following the decision to develop further common minimum standards under paragraph 4.

6. The common minimum standards shall be formalised in writing and, taking due account of the autonomy of each Party, shall be communicated to all Parties. The common minimum standards shall be made public on the website of the Body.

#### Article 9

##### Update of the common minimum standards

1. The Body shall assess the necessity for an update of common minimum standards where one or more members of the Body consider that a review is necessary.
2. A review may be considered necessary in particular due to developments in the case-law of the Court of Justice of the European Union, to new or modified ethical standards by international organisations, to new technical developments or to the need for clarification of common minimum standards as a result of recurring issues.
3. Article 8(5) and (6) shall apply to the update of common minimum standards.

#### Article 10

##### Exchange of views on the Parties' self-assessments

1. Each Party shall carry out a written self-assessment of its internal rules and their alignment with the common minimum standards, and with any updates to the common minimum standards.
2. Each Party shall conclude the self-assessment within 4 months following the communication of the common minimum standards to the Parties.
3. The self-assessment shall be presented to a meeting of the Body by the representative of the Party concerned.
4. The independent experts shall establish a written opinion on each self-assessment, within 2 months following that meeting of the Body. Where the opinion of the independent experts is not adopted unanimously, the opinion shall include any dissenting point of view. The deliberations of the independent experts shall be confidential.

5. Within 2 months of receiving the written opinion referred to in paragraph 4, the Body shall hold an exchange of views based on the self-assessment and the written opinion.
6. The Secretariat of the Body shall prepare a report summarising the exchange of views referred to in paragraph 5 and containing concluding remarks. The Body may amend the report before endorsement. It shall endorse the report within the 2 months referred to in paragraph 5. The written opinion of the independent experts shall form part of the report.
7. Each Party shall review and, where it deems it appropriate, update its internal rules not later than 4 months following the endorsement of the report by the Body.
8. The self-assessment and the report shall be made public on the website of the Body.

## Article 11

### Exchange of good practices

1. The Body shall hold at least a yearly meeting dedicated to matters of common interest in the field of ethics and to the exchange of best practices between the Parties.
2. The Body may invite to that meeting representatives of any public national, European or international organisation whose work is deemed relevant for the setting of the standards.

## Article 12

### Meetings of the Body

1. The meetings of the Body, including the independent experts, shall be convened by the Chair.
2. In addition to the meetings convened for the purpose of applying Articles 8 to 11, the Chair may, on his or her own initiative or at the request of any Party and within 1 month of receiving that request, convene additional meetings to discuss matters of common interest.

## Article 13

### Conflicts of interest of the members of the Body

1. Members of the Body shall avoid any situation which may impair their independence or impartiality in the exercise of their function in the Body.
2. Members of the Body shall promptly declare to the Chair any situation which impairs their independence or impartiality when performing their tasks in the Body. In such a situation, the Party concerned shall replace the member by their alternate for as long as the member of the Body is prevented from participating in the work of the Body. If the alternate is also affected by such a situation, the Party concerned shall designate a temporary alternate for as long as the situation lasts. When the situation concerns the Chair, he or she shall be temporarily replaced by the member of the Body who at that time represents the Party which shall next hold the Chair according to the rotation provided for in Article 4(1).

#### Article 14

##### Rules of Procedure

The Body shall adopt its Rules of Procedure, which shall be public, and shall amend them as necessary.

#### Article 15

##### Reimbursement of expenses

Any expense incurred by members of the Body in connection with their duties in the Body shall be covered by the Party which they represent.

#### Article 16

##### Secretariat of the Body

1. The Body shall have a Secretariat. The Secretariat shall be a joint operational structure set up to manage the functioning of the Body. It shall be made up of the official responsible in each Party for the ethical rules for its members and his or her respective staff.
2. The Secretariat shall be formally hosted in the Commission and operate under the coordination of the official who, within the Party chairing the Body, is responsible for the ethical rules for the members of that Party, or an official specifically designated for that purpose by the Party chairing the Body ('the coordinator'). The

coordinator shall represent the Secretariat and shall oversee its day-to-day work, in the common interest of the Parties.

3. The Secretariat shall:
  - (a) report to the Body, prepare its meetings, provide operational assistance in its tasks and prepare the report referred to in Article 10(6);
  - (b) prepare the draft annual report referred to in Article 18;
  - (c) direct all incoming and outgoing correspondence with the Body to its Chair and to the Party concerned by the correspondence;
  - (d) carry out any other activities necessary for the effective implementation of this Agreement, including assisting the independent experts in their tasks as provided for in this Agreement.

#### Article 17

#### Resources

1. The Parties shall commit by way of a memorandum of understanding between their Secretaries-General, or the holders of an equivalent office, to be agreed within 3 months after appointment of the members of the Body, to make available the necessary human, administrative, technical and financial resources, including adequate staffing for the Secretariat, so as to ensure effective implementation of this Agreement.
2. The Parties shall share the costs related to the secretariat of the Body and to the independent experts in proportion to the size of their respective administrative budgets. They shall provide a financial compensation to the Commission at the beginning of each financial year. Any cost resulting from a consultation under Article 7 shall be covered by the consulting Party. The details for the implementation of this paragraph, including a mechanism to take into account the observer status of the Court of Justice of the European Union through a downward adjustment of its contribution by 50%, shall be set out in the memorandum of understanding referred to in paragraph 1. That memorandum of understanding shall be reviewed annually, or earlier if deemed necessary by a Party, and amended where appropriate.

3. Any request by the Body requiring additional administrative expenditure of an exceptional nature shall be addressed to the Parties which shall review and approve budgetary requests of the Body on an annual basis in accordance with their respective internal rules.

#### Article 18

##### Annual report

1. The Body shall adopt an annual report on its activities during the preceding year, after a discussion in the meeting referred to in Article 11(1).
2. The annual report shall be made public on the website of the Body.

#### Article 19

##### Website

1. The Body shall operate a website in which information relevant to its activities shall be made publicly available.
2. The website shall, in particular, contain the following:
  - (a) the composition of the Body, the calendar of its meetings and the meeting agendas;
  - (b) the common minimum standards;
  - (c) the self-assessments and reports referred to in Article 10(1) and (6), respectively;
  - (d) all the applicable rules of all Parties in the areas covered by the common minimum standards.
3. The website shall also contain the information referred to in paragraph 2 relating to Union bodies, offices and agencies which are voluntarily involved pursuant to Article 20.

#### Article 20

##### Voluntary involvement of Union bodies, offices and agencies, other than the Parties

1. Union bodies, offices and agencies, other than the Parties, may notify the Body that they voluntarily wish to apply the entire set of common minimum standards developed and to be developed by the Body, in relation to the rules applicable to the

persons, other than their staff members, who hold a function similar to those of the members of the Parties.

2. The Body shall invite the Union body, office or agency concerned to carry out a written self-assessment of its internal rules and their alignment with the common minimum standards and to designate a representative to take part in an exchange of views with the members of the Body. Article 10(3) to (8) and Article 15 shall apply accordingly.
3. Paragraph 2 of this Article shall apply *mutatis mutandis* when the Body develops further common minimum standards or updates common minimum standards.
4. The Union bodies, offices or agencies which notify the Body pursuant to paragraph 1 shall contribute to the financing of the Body. The details shall be set out in the memorandum of understanding referred to in Article 17(1).

## Article 21

### Review

The Parties shall review this Agreement every 3 years or when recommended by the Body, with a view to improving and enhancing the functioning of this Agreement, and where appropriate, the mandate and the governance of the Body as well as the remit of the independent experts.

## Article 22

### Transitional and other arrangements

1. By way of derogation from the procedure referred to in Article 5(2), third sentence, in the year in which the Body is set up, the independent experts shall be appointed for a full mandate from amongst the current or former members of the existing internal bodies responsible for ethical questions of the Parties, with the exclusion of serving members of the Parties. The independent experts shall be appointed at the latest 3 months after the entry into force of this Agreement. In order to stagger the renewal of independent experts, the first mandate of three of the five independent experts, designated by drawing lots, shall be limited to 2 years.
2. The time limits referred to in paragraph 1, as well as in Article 3(1) and Article 10(2) may be extended for objectively justified reasons, in particular where those time

limits fall within a period in which the Party is newly constituted.

## Article 23

### Final provisions

1. This Agreement shall be of a binding nature for the Parties.
2. The Parties agree, without prejudice to Article 1(2), to reflect the common minimum standards developed by the Body in their internal rules by means of decisions taken on the basis of their powers of internal organisation and to take appropriate measures to ensure the implementation of this Agreement.
3. This Agreement shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at (Brussels), [date]

*For the European Parliament*

...

*For the Council of the European Union*

...

*For the European Commission*

...

*For the Court of Justice of the European Union*

....

*For the European Central Bank*

....

*For the European Court of Auditors*

....

*For the European Economic and Social Committee*

...

*For the European Committee of the Regions*

...



## **ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

<b>Entity and/or person</b>
Nick Aiossa and Shari Hinds, Transparency International EU ( <a href="#">501222919-71</a> )
Nina Katzemich, LobbyControl ( <a href="#">6314918394-16</a> )
Alberto Alemanno, The Good Lobby ( <a href="#">013786146388-70</a> )
Isabelle De Vinck, European Public Affairs Consultancies' Association (EPACA) ( <a href="#">8828523562-52</a> )
Paul Varakas, Society of European Affairs Professional (SEAP) ( <a href="#">360457536314-69</a> )
Alexander Katsaitis, Stockholm University ( <a href="#">359095142217-37</a> )
Renouveau & Démocratie (Union for staff of the EU institutions)

The list above is drawn up under the exclusive responsibility of the rapporteur.

## MINORITY POSITION

EPP Group

**Minority Position under Rule 55.4 Rules of Procedure  
Agreement between the European Parliament, the Council, the European Commission,  
the Court of Justice of the European Union, the European Central Bank, the European  
Court of Auditors, the European Economic and Social Committee and the European  
Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards  
for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty  
on European Union**

The principled problem of the so-called ethics body is that there is an insufficient legal basis in the Treaties. This makes any future actions by the Ethics Body vulnerable to legal review and risks embarrassing EU institutions in court. The agreement has been poorly negotiated as Council is not a full Member of the body, but fully taking part in enforcement. Instead of focussing on setting clear legal rules and standards, the body will individually investigate Members on slippery ethics definition that has the potential for political abuse. Suspicions are published even in cases of no wrongdoing, leading to a trial by public opinion. In contrast to established due process, a group of non-parliamentarians will have the power to politically (albeit not legally) sanction MEPs. Placing the secretariat for an investigative agency within the Commission risks creating a de facto disciplinary chamber for the legislative. This turns the constitutional principle of separation of powers upside down and endangers the independence of the legislative. Given current debates on the rule of law in some Member States, this sets a dangerous precedent for weakening parliaments throughout the Union. We call for the establishment of a Standards in Public Office Commission instead.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	22.4.2024
<b>Result of final vote</b>	+: 15 -: 12 0: 0
<b>Members present for the final vote</b>	Gerolf Annemans, Gabriele Bischoff, Damian Boeselager, Leila Chaibi, Włodzimierz Cimoszewicz, Ana Collado Jiménez, Gwendoline Delbos-Corfield, Daniel Freund, Sandro Gozi, Brice Hortefeux, Zdzisław Krasnodębski, Max Orville, Giuliano Pisapia, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Sven Simon, László Trócsányi, Loránt Vincze
<b>Substitutes present for the final vote</b>	Gilles Boyer, Mercedes Bresso, Christian Doleschal, Pascal Durand, Seán Kelly, Gilles Lebreton, Alin Mituța, Nikolaj Villumsen
<b>Substitutes under Rule 209(7) present for the final vote</b>	Jonás Fernández, Francesca Peppucci

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

15	<b>+</b>
	Gabriele Bischoff, Damian Boeselager, Gilles Boyer, Mercedes Bresso, Leila Chaïbi, Włodzimierz Cimoszewicz, Gwendoline Delbos-Corfield, Pascal Durand, Daniel Freund, Sandro Gozi, Alin Mituța, Max Orville, Giuliano Pisapia, Domènec Ruiz Devesa, Nikolaj Villumsen
12	<b>-</b>
	Gerolf Annemans, Ana Collado Jiménez, Christian Doleschal, Brice Hortefeux, Seán Kelly, Zdzisław Krasnodębski, Gilles Lebreton, Francesca Peppucci, Antonio Maria Rinaldi, Sven Simon, László Trócsányi, Loránt Vincze
0	<b>0</b>

Key to symbols:

+ : in favour

- : against

0 : abstention