

**ADVISORY COMMITTEE  
ON THE CONDUCT OF MEMBERS  
2018 ANNUAL REPORT**

## **FOREWORD**

In accordance with Article 7(6) of the Code of Conduct for Members of the European Parliament with respect to Financial Interests and Conflicts of Interest (Annex I to the Rules of Procedure of the European Parliament; hereafter: Code of Conduct), the Advisory Committee on the Conduct of Members (hereafter: Advisory Committee) publishes an annual report on its work.

The Annual Report on the work of the Advisory Committee from 1 January to 31 December 2018 was adopted by the Committee on 22 January 2019.

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### **Summary**

This report covers the activities of the Advisory Committee on the Conduct of Members in the period from 1 January to 31 December 2018.

The Committee was asked to examine two cases of possible violations of the Code of Conduct involving a total of five Members.

This year the Advisory Committee received two requests from Members seeking its guidance on the interpretation and implementation of the provisions of the Code of Conduct. On both occasions the Committee provided its counsel in confidence and within the deadline foreseen by the Code of Conduct.

The Advisory Committee continued to apply the highest standards of ethics and transparency at the service of the Members and the Institution, by ensuring that the provisions of the Code of Conduct are scrupulously observed.

In addition, the competent administrative service (Members' Administration Unit within DG Presidency, which provides secretariat services for the Advisory Committee) continued to perform a general plausibility check on all declarations of financial interests submitted by the Members in the course of the year, in accordance with Article 9 of the Implementing Measures for the Code of Conduct.

A total of 23 new declarations were submitted by incoming Members during the year and 110 declarations have been updated.

## **1 BACKGROUND**

The Code of Conduct for Members of the European Parliament with respect to Financial Interests and Conflicts of Interest sets out the guiding principles of conduct and the main duties of Members when exercising their mandates. Members shall act in the public interest alone and shall not accept any direct or indirect financial benefit or other reward.

Pursuant to Article 2(c) of the Code of Conduct - introduced in 2017 - Members shall not engage in paid professional lobbying directly linked to the Union decision-making process. Article 6 of the Code of Conduct lays down restrictions on the circumstances under which former Members are entitled to carry out lobbying or representational activities.

The Code of Conduct provides a definition of “conflict of interest” (a personal interest that could improperly influence the performance of a Member’s duties) and establishes the necessary steps to address it. Only if the Member is unable to resolve the actual or potential conflict of interest, shall he/she report it in writing to the President. Where such conflict is not evident from his/her Declaration of Financial Interests, Members shall also disclose it in writing or orally before speaking or voting in relation to that matter.

Furthermore, the Code of Conduct contains detailed rules regarding the Declaration of Financial Interests. Members are personally responsible for submitting such declaration containing the required mandatory information in a precise manner (e.g. occupation, activities, memberships for the three years before becoming an MEP and at present, holdings, support received and respective income category). Members are free to provide any additional information. The initial declaration is due by the end of the first plenary sitting after the European elections or within 30 days of taking up office as an MEP if in the course of the parliamentary term. If any change occurs, a revised declaration must be submitted by the end of the following month.

Members’ disclosure obligations have been completed by the Implementing Measures for the Code of Conduct. Pursuant to its provisions, Members are required to declare promptly their attendance at events organised by people or organisations outside an EP official delegation, if their travel, accommodation and/or subsistence expenses were paid or reimbursed by others (except certain categories: EU institutions, Member States authorities, international organisations, political parties, etc.).

Members have to notify the President and hand over all gifts they receive when representing Parliament in an official capacity. In addition, in the performance of their duties, Members shall refrain from accepting gifts with an approximate value above EUR 150.

These declarations and the register of official gifts are directly accessible on Parliament’s public website.

All the aforementioned disclosure obligations reflect Parliament’s strong commitment to transparency and ethics. Moreover, the Code of Conduct provides for a mechanism of monitoring and enforcement of its provisions.

At the request of the EP President, the Advisory Committee examines any alleged breach to the Code of Conduct and the EP President may adopt a decision laying down a penalty.

## **2 THE ADVISORY COMMITTEE ON THE CONDUCT OF MEMBERS**

### **2.1 Composition**

The Advisory Committee was established by Article 7(1) of the Code of Conduct.

Pursuant to Article 7(2) and (3) of the Code of Conduct, at the beginning of his or her term, the President appoints five permanent members from amongst the members of Parliament's Committee on Constitutional Affairs and Committee on Legal Affairs, taking due account of their experience and of political balance.

The permanent members composing the Advisory Committee, appointed by the President on 5 April 2017, are:

- Ms Danuta Maria HÜBNER (EPP, Poland);
- Ms Mady DELVAUX (S&D, Luxembourg);
- Mr Sajjad KARIM (ECR, United Kingdom);
- Mr Jean-Marie CAVADA (ALDE, France);
- Mr Jiří MAŠTÁLKA (GUE, Czech Republic).

At the beginning of his term of office, the President also appoints a reserve member for each political group not represented among the permanent members of the Advisory Committee.

They are:

- Ms Heidi HAUTALA (Greens/ALE, Finland);
- Ms Laura FERRARA (EFDD, Italy);
- Mr Gerolf ANNEMANS (ENF, Belgium).

### **2.2 Chair**

In accordance with the second subparagraph of Article 7(2) of the Code of Conduct, each permanent member of the Advisory Committee serves as Chair for six months on a rotating basis. Article 3 of the Committee's Rules of Procedure further specifies that, in principle, rotation follows in descending order the size of the political groups to which the members of the Committee belong.

In the course of 2018, the following members of the Advisory Committee served as Chair: Ms DELVAUX until March, Mr KARIM from April to September and Mr CAVADA from October onwards. The latter's mandate as Chair runs until end March 2019.

## 2.3 Meetings in 2018

The Advisory Committee met on five occasions in 2018.

### Calendar of meetings of the Advisory Committee in 2018

Tuesday 23 January<sup>1</sup>  
Tuesday 20 February<sup>2</sup>  
Tuesday 27 March<sup>3</sup>  
Tuesday 24 April<sup>4</sup>  
Tuesday 15 May<sup>5</sup>  
Tuesday 19 June<sup>6</sup>  
Tuesday 10 July<sup>7</sup>  
Tuesday 25 September<sup>8</sup>  
Tuesday 16 October<sup>9</sup>  
Tuesday 20 November  
Tuesday 4 December

## 2.4 Tasks

The Advisory Committee:

- Gives guidance to Members upon request on the interpretation and implementation of the provisions of the Code of Conduct.

In accordance with the first subparagraph of Article 7(4) of the Code of Conduct, the Advisory Committee gives guidance in confidence and within 30 calendar days. A Member who seeks guidance from the Committee is then entitled to rely on such guidance.

- Assesses alleged breaches of the Code of Conduct and advises the President on possible action to be taken.

This assessment occurs at the request of the President pursuant to the second subparagraph of Article 7(4) and Article 8 of the Code of Conduct.

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<sup>1</sup> For organisational reasons, the meeting was postponed to 24 January.

<sup>2</sup> The meeting was cancelled.

<sup>3</sup> The meeting was cancelled.

<sup>4</sup> For organisational reasons, the meeting was postponed to 25 April.

<sup>5</sup> The meeting was cancelled.

<sup>6</sup> For organisational reasons, the meeting was postponed to 21 June.

<sup>7</sup> The meeting was cancelled.

<sup>8</sup> The meeting was cancelled.

<sup>9</sup> The meeting was cancelled.

Where there is reason to think that a Member may have breached the Code of Conduct, the President shall - except in manifestly vexatious cases - refer the matter to the Advisory Committee. The Advisory Committee then examines the circumstances of the alleged breach, and may hear the Member concerned. The Committee makes a recommendation to the President on a possible decision.

If, taking into account that recommendation, the President concludes that the Member concerned has indeed breached the Code of Conduct, he/she shall adopt a reasoned decision laying down a penalty according to Rule 166 of the Rules of Procedure.

## **2.5 Work carried out during the year**

### **2.5.1 Possible breaches of the Code of Conduct**

In the course of 2018, the President referred two matters concerning possible breaches of the Code of Conduct to the Advisory Committee, involving a total of five Members.

The first referral concerned one Member who had travelled to a third country and failed to submit a declaration of attendance pursuant to an invitation at events organised by third parties within the deadline foreseen by the Code of Conduct. This declaration was required under Article 6 of the Implementing Measures for the Code of Conduct, since travel and accommodation expenses had been covered by the authorities of a non-EU country. The Member concerned did not react to two letters by the President and only submitted, following an exceptionally long delay, the required declaration in response to a third letter by the Chair-in-Office of the Advisory Committee. The Member did not provide any additional clarification to the Committee. The Advisory Committee recommended to the President to conclude that the failure of the Member concerned to submit a declaration of attendance within the deadline specified in Article 8 of the Implementing Measures constituted a breach of the Code of Conduct.

Finally, the President referred to the Advisory Committee a case involving the omission by four Members to comply with the disclosure obligations concerning an unremunerated Membership. The Committee will only assess this matter in 2019.

### **2.5.2 Guidance on the interpretation and implementation of the Code of Conduct**

In 2018, the Advisory Committee received, under the first subparagraph of Article 7(4), two formal requests for guidance on the interpretation and implementation of the Code of Conduct.

In the first case, the Member concerned requested guidance on a potential conflict of interests arising from current EP positions held and a recent job application by a family Member. The Advisory Committee stressed that it is primarily the Members' responsibility to assess the existence of a personal interest and whether it could affect their performance as a Member of the European Parliament and that any existing conflict of interest shall immediately be addressed by the Member respecting the principles and provisions of the Code of Conduct.

The Advisory Committee further noted that if the conflict cannot be solved, it should be disclosed in the Member's declaration of financial interests. The Advisory Committee reminded that Members always have the possibility to indicate any additional information they deem necessary under section (I) of their declaration.

The second case concerned a request for guidance regarding a potential conflict of interests arising from a Member's current EP positions and the acceptance of an unremunerated elected position as Chairperson of a non-profit organisation aimed at promoting entrepreneurs' cooperation with a certain third country. In this case, the Advisory Committee noted the applicable rules and recommended to the Member to either refuse the position offered by the organisation or give up the Membership of the Delegation covering relations with the country concerned.

In addition, throughout the year the Secretariat continued, following its well established practice, to respond to inquiries put forward by Members or their parliamentary assistants in order to help them correctly apply the provisions of the Code and its Implementing Measures.

### **2.5.3 Consideration of the scope of Article 1 of the Code of Conduct**

At the request of the President, the Advisory Committee also considered whether the general principles of conduct could be applied to activities related to third countries, undertaken by unofficial groupings or by individual Members, taking place either in Parliament's premises or abroad, especially when travelling upon invitation by foreign authorities, and interfering with the work of Parliaments' committees or inter-parliamentary delegations.

The Advisory Committee reached following conclusions:

Each Member shall be guided by disinterest, integrity, openness, diligence, honesty and respect for Parliament's reputation in activities related to third countries that occur in the performance of his or her duties as a Member. However, it would need to be assessed on a case-by-case basis, if the Member's conduct, while interfering with the work of Parliament, and in particular of its inter-parliamentary delegations, has jeopardised Parliament's reputation and/or failed to observe any other general principle of conduct.

In this context, the Committee highlighted that, with the exemptions laid down in Article 6 (2), (3) and (4) of the Implementing Measures for the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest, Members have a disclosure obligation regarding their attendance at any events organised by third parties where their travel, accommodation and/or subsistence expenses are covered, in full or in part, by a third party.

### **2.5.4 Best practices**

The Members of the Advisory Committee had the opportunity to exchange views with the Ethics Commissioner of the National Assembly of Québec, Ms Ariane Mignolet.



### **3 ACTIVITIES LINKED TO THE CODE OF CONDUCT**

#### **3.1 Submission and updating of Members' declarations of financial interests**

In accordance with Article 4(1) of the Code of Conduct, a new Member starting his/her mandate in Parliament in the course of the legislative term is personally responsible for submitting a detailed declaration of his/her financial interests within 30 days of taking up office. In 2018, 21 out of 23 incoming Members, submitted their declarations of financial interests within that time-limit.

In addition, Article 4(1) requires a Member to declare any change that has an influence on his/her declaration by the end of the month following the change occurring. As a result of this obligation, 110 updated declarations were submitted to the President in the course of the year.

By end January 2018, all Members had re-submitted their declaration of financial interests, even if no changes occurred, using a revised declaration form adopted by the Bureau, following the revision of the Rules of Procedure. This issue was closely followed by the Advisory Committee, in particular since the declarations of financial interests of Members who had failed to submit their revised version by 16 July 2017 ceased to be valid then. In view of the importance of the matter, the Advisory Committee brought this matter to the attention of the President regularly until the full situation was regularised, while also recommending to him to consider certain measures that could be taken vis-à-vis the Members concerned.

#### **3.2 Monitoring procedure for Members' declarations of financial interests**

Article 9 of the Implementing Measures for the Code of Conduct lays down the rules of a monitoring procedure to be conducted by the competent service with regard to Members' declarations of financial interests.

In accordance with Article 4 of the Code of Conduct, Members are personally responsible for submitting to the President a declaration containing information provided in a precise manner. However, where there is reason to think that a declaration contains manifestly erroneous, flippant, illegible or incomprehensible information, a general plausibility check is carried out, on behalf of the President, by the Members' Administration Unit in DG Presidency, for clarification purposes. The Member concerned is allowed a reasonable time to react. Where the clarifications provided are deemed insufficient and thus the check does not resolve the matter, the President decides how to proceed.

Throughout the year, the monitoring procedure applies equally to new declarations submitted by incoming Members taking up office with the Parliament during the course of the parliamentary term and to amended versions of existing declarations.

## 4 ADMINISTRATION

The Members' Administration Unit in DG Presidency provides secretariat services to the Advisory Committee and has been designated by the Secretary-General as the competent service under Articles 2, 3, 4 and 9 of the Implementing Measures for the Code of Conduct. Its contact details are the following:

[Advisory.Committee@europarl.europa.eu](mailto:Advisory.Committee@europarl.europa.eu)

European Parliament  
Secretariat of the Advisory Committee on the Conduct of Members  
60, rue Wiertz  
PHS 07B022  
B-1047 Brussels  
Belgium