

**ADVISORY COMMITTEE
ON THE CONDUCT OF MEMBERS**

**2019 ANNUAL REPORT
SECOND HALF**

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.

Due to the European elections of May 2019, a bi-annual report covering the period from 1 January to 1 July 2019 was adopted on 20 March 2019.

The present bi-annual report covers the work of the Advisory Committee from 2 July to 31 December 2019 and was adopted by the Committee on 4 March 2020.

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Summary

The report covers the activities of the Advisory Committee on the Conduct of Members in the period from 2 July to 31 December 2019.

Since its constitutive session held on 11 November 2019, the Advisory Committee received one request from a Member seeking its guidance on the interpretation and implementation of the provisions of the Code of Conduct. 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 accordance with Article 9 of the Implementing Measures for the Code of Conduct, the competent administrative service (the Members' Administration Unit within DG Presidency, which provides secretariat services for the Advisory Committee) continued performing a general plausibility check on the declarations of financial interests submitted by Members since the start of the 9th parliamentary term.

Overall, a total of 8 new declarations of financial interests were submitted by incoming Members in the second half of the year and 47 declarations were updated. 79 declarations of attendance to events organised by third parties were published.

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 in the exercise of their mandates. According to the guiding principles, Members shall act solely in the public interest and shall not accept any direct or indirect financial benefit or other reward.

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

The Code of Conduct provides a definition of “conflict of interest” (i.e. a personal interest that could improperly influence the performance of a Member’s duties) and establishes the necessary steps to address it. If the Member is unable to resolve the actual or potential conflict of interest, he or she shall report this in writing to the President. Where such conflict is not evident from his or her Declaration of Financial Interests, the Member shall also disclose any actual or potential conflict of interest before speaking or voting in plenary or in one of Parliament’s bodies, or if proposed as a rapporteur, in relation to the matter under consideration.

Furthermore, the Code of Conduct establishes detailed rules regarding the Declaration of Financial Interests. In particular, Members are held responsible for submitting a declaration containing all the required mandatory information in a precise manner (e.g. remunerated or unremunerated occupations, activities, memberships for the three years before becoming a Member and also during the mandate, 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 session after the European elections or within 30 days of taking up office as a Member during the course of the parliamentary term. If any change occurs, a revised declaration must be submitted by the end of the following month. Members may not be elected as office-holders of Parliament or its bodies, be appointed as rapporteur or participate in an official delegation or interinstitutional negotiations if they have not submitted their Declaration of Financial Interests.

Members’ disclosure obligations are complemented by the Implementing Measures for the Code of Conduct. Pursuant to these provisions, Members are required to declare without delay 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 are required 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 President, the Advisory Committee examines any alleged breach to the Code of Conduct and the President may adopt a decision laying down one of the penalties referred to in Rule 176 of Parliament's Rule of Procedure.

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.

For the first two and a half years during the 9th parliamentary term, the permanent members composing the Advisory Committee, appointed by the President on 23 October 2019, are:

-) Ms Danuta Maria HÜBNER (EPP, Poland);
-) Mr Giuliano PISAPIA (S&D, Italy);
-) Ms Karen MELCHIOR (Renew, Denmark);
-) Ms Heidi HAUTALA (Greens/EFA, Finland);
-) Mr Geert BOURGEOIS (ECR, Belgium).

At the beginning of his or her term of office, the President also appoints a reserve member for each political group that is not represented among the permanent members of the Advisory Committee. At present, the reserve members are:

-) Mr Gerolf ANNEMANS (ID, Belgium);
-) Mr Helmut SCHOLZ (GUE/NGL, Germany).

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 second half of 2019, Ms HÜBNER was the only permanent member of the Advisory Committee who served as Chair.

2.3 Meetings in the second half of 2019 and 2020

The Advisory Committee met on 3 occasions in the second half of 2019:

Calendar of meetings in the second half of 2019

Monday 11 November¹
Tuesday 3 December
Tuesday 17 December²

At its meeting of 11 November 2019, the Advisory Committee also adopted the following meeting calendar for 2020:

Calendar of meetings in 2020

Tuesday, 21 January³
Tuesday 18 February
Tuesday 17 March
Tuesday 21 April
Tuesday 26 May
Tuesday 23 June
Tuesday 14 July
Tuesday 8 September
Tuesday 13 October
Tuesday 17 November
Tuesday 8 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 entitled to rely on such guidance.

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

¹ Constitutive meeting.

² Extraordinary meeting.

³ Meeting postponed to 28 January 2020.

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.

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 or she shall adopt a reasoned decision laying down a penalty according to Rule 176 of the Rules of Procedure.

2.5 Work carried out during the second half of the year

2.5.1 Guidance on the interpretation and implementation of the Code of Conduct

In the second half of 2019, the Advisory Committee received, under the first subparagraph of Article 7(4), one formal request by a Member for guidance on the interpretation and implementation of the Code of Conduct.

In particular, the case concerned a request for guidance on a potential conflict of interests arising from a Member's position in Parliament and a private business activity held by the Member outside of his/her mandate. Having asked the Member to provide additional background information, the Advisory Committee concluded by noting the applicable rules and recommending to the Member, in the event that he/she was to be proposed as a rapporteur on a related subject, either to decline the position as rapporteur or to suspend his/her private involvement in the associated business activity.

In addition, throughout this period the Secretariat continued, following its well established practice, to respond to inquiries put forward by Members or their assistants with a view to helping them correctly apply the provisions of the Code and its Implementing Measures.

3 ACTIVITIES LINKED TO THE CODE OF CONDUCT

3.1 Submission and updating of Members' declarations of financial interests

Pursuant to Article 4(1) of the Code of Conduct, Members are personally responsible for submitting a detailed declaration of financial interests by the end of the first part-session after elections to the European Parliament or within 30 days of taking up office with the Parliament in the course of a parliamentary term. In the second half of 2019, all the Members elected in the European elections of May 2019, as well as other Members taking up their office during the 9th parliamentary term, 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, 47 updated declarations were submitted to the President in the course of the second half of the year.

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.

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 to new declarations submitted by incoming Members taking up office following elections and also those whose mandates begin during the course of the parliamentary term. It also applies 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:

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