



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Constitutional Affairs

2011/2174(REG)

7.11.2011

AMENDMENTS

15 - 64

Draft report
Carlo Casini
(PE472.185v02-00)

Amendments to the Rules of Procedure relating to a Code of Conduct for
Members of the European Parliament with respect to financial interests and
conflicts of interest
(2011/2174(REG))

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United in diversity

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Amendment 15
Andrew Duff

Parliament's Rules of Procedure
Motion for a decision
Indent 2 a (new)

Present text

Amendment

– having regard to Protocol (No 7) on the Privileges and Immunities of the European Union,

Or. en

Amendment 16
Morten Messerschmidt
on behalf of the EFD Group

Parliament's Rules of Procedure

Motion for a decision
Recital A (new)

Present text

Amendment

A. whereas it should be emphasised that the objective of the new code of conduct is to combat all forms of corruption. Consequently all substantiated allegations of corruption should lead to suspension of parliamentary immunity and criminal investigation at the relevant courts rather than an administrative procedure initiated by the Advisory Committee. This is not only to ensure that culprits are convicted in accordance with laws against corruption, but also to ensure that the fundamental rights of a fair trial guaranteed under the provisions of Article 6 of the European Convention of Human Rights are observed,

Or. en

Amendment 17
Morten Messerschmidt
on behalf of the EFD Group

Parliament's Rules of Procedure
Motion for a decision
Recital B (new)

Present text

Amendment

B. whereas the suspension of parliamentary immunity is always decided upon by request from national authorities, it is stressed that any decision on such matter by the Advisory Committee shall be communicated to the relevant national authorities,

Or. en

Amendment 18
Carlo Casini

Parliament's Rules of Procedure
Rule 19

Present text

Amendment

The Conference of Presidents may, acting by a majority of three-fifths of the votes cast, representing at least three political groups, propose to Parliament that it terminate the holding of office of the President, a Vice-President, a Quaestor, a Chair or Vice-Chair of a committee, a Chair or Vice-Chair of an interparliamentary delegation, or any other holder of an office elected within the Parliament, where it considers that the Member in question has been guilty of serious misconduct. ***Such a proposal shall be approved by Parliament*** by a majority of two-thirds of the votes cast, constituting a majority of its component Members.

The Conference of Presidents may, acting by a majority of three-fifths of the votes cast, representing at least three political groups, propose to Parliament that it terminate the holding of office of the President, a Vice-President, a Quaestor, a Chair or Vice-Chair of a committee, a Chair or Vice-Chair of an interparliamentary delegation, or any other holder of an office elected within the Parliament, where it considers that the Member in question has been guilty of serious misconduct. ***Parliament shall take a decision on that proposal*** by a majority of two-thirds of the votes cast, constituting a majority of its component Members.

Where a rapporteur breaches the provisions of the Code of Conduct,

annexed to the Rules of Procedure, for Members of the European Parliament with respect to financial interests and conflicts of interest, the committee which appointed him or her may, on the initiative of the President and on a proposal by the Conference of Presidents, terminate the holding of that office. The majorities laid down in the first paragraph shall apply mutatis mutandis to each stage of this procedure.

Or. fr

Amendment 19

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Rule 19 – interpretation (new)

Amendment 2

Amendment

The term ‘any other holder of an office elected within the Parliament’ shall include the holder of the office of rapporteur for a parliamentary committee.¹¹

Deleted

¹¹*This interpretation shall also apply to Article 153(3)(d).*

Or. it

Justification

This interpretation is exaggerated and inappropriate, given that the rapporteur (an elected Member) is appointed by the committee responsible and may therefore be dismissed on the basis of internal procedures already laid down in Rules 152-154 of the existing Rules of Procedure.

Amendment 20

Andrew Duff

Parliament's Rules of Procedure
Rule 32 – paragraph 2

Present text

2. Such groupings may not engage in any activities which might result in confusion with the official activities of Parliament or of its bodies. Provided that the conditions laid down in the rules governing their establishment adopted by the Bureau are met, political groups may facilitate their activities by providing them with logistical support. Such groupings shall declare any **external support in accordance with Annex I.**

Amendment

2. Such groupings may not engage in any activities which might result in confusion with the official activities of Parliament or of its bodies. Provided that the conditions laid down in the rules governing their establishment adopted by the Bureau are met, political groups may facilitate their activities by providing them with logistical support.

Such groupings shall **be required to** declare any support, **whether in cash or kind (e.g. secretarial assistance), which if offered to Members as individuals would have to be declared under Annex I.**

The Quaestors shall keep a register of the declarations referred to in the second subparagraph . The register shall be published on the Parliament's website. The Quaestors shall adopt detailed rules on these declarations.

Or. en

Justification

The financial interests of the Intergroups are of legitimate public concern. The register of declarations should therefore be published on the internet.

Amendment 21
Gerald Häfner

Parliament's Rules of Procedure
Rule 153 – paragraph 3 – point c a (new)

Present text

Amendment

(ca) submission to the Conference of Presidents of a proposal to deprive a

Member of a rapporteurship;

Or. en

Justification

Alignment with the text of the Code of Conduct as proposed by the Bureau Working Group.

Amendment 22

Carlo Casini

**Parliament's Rules of Procedure
Rule 153 – paragraph 3 – point d**

Present text

d) submission to the Conference of Presidents, in accordance with Rule 19, of a proposal for the Member's suspension or removal from one or more of the ***elected*** offices held by the Member in Parliament.

Amendment

d) submission to the Conference of Presidents, in accordance with Rule 19, of a proposal for the Member's suspension or removal from one or more of the offices held by the Member in Parliament.

Or. fr

Amendment 23

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto, Amalia Sartori, Raffaele Baldassarre

**Parliament's Rules of Procedure
Annex I – Article 1 – paragraph 1 a (new)**

Present text

Amendment

1a. For reasons of transparency, Members shall be personally responsible for submitting a declaration of financial interests to the President 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 accordance with a form to be adopted by the Bureau pursuant to Article 9. They

shall notify the President of any changes that have an influence on their declaration within 30 days of each change occurring.

Or. it

Justification

Article 1 of Annex I to the current Rules of Procedure should be supplemented as above so as to be more comprehensive.

Amendment 24

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto, Amalia Sartori, Raffaele Baldassarre

**Parliament's Rules of Procedure
Annex I – Article 1 – paragraph 1 b (new)**

Present text

Amendment

1b. Members may not be elected as office-holders of Parliament or one of its bodies, appointed as rapporteur, or participate in an official delegation, if they have not submitted their declaration of financial interests.

Or. it

Amendment 25

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto, Amalia Sartori, Raffaele Baldassarre

**Parliament's Rules of Procedure
Annex I – Article 2 – paragraph 2**

Present text

Amendment

Members of Parliament shall refrain from accepting any gift or benefit in the performance of their duties.

Members shall refrain from accepting any gifts or similar benefits in the performance of their duties, except those with a very limited value given in

accordance with courtesy usage or those given to them in accordance with courtesy usage when they are representing Parliament in an official capacity.

Or. it

Amendment 26

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto, Amalia Sartori, Raffaele Baldassarre

**Parliament's Rules of Procedure
Annex I – Article 2 – point c a (new)**

Present text

Amendment

(ca) any remunerated activity which the Member undertakes alongside the exercise of his or her office, whether as an employee or as a self-employed person,

Or. it

Justification

Article 2 of Annex I to the current Rules of Procedure should be supplemented in this way for the purposes of greater transparency.

Amendment 27

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto, Amalia Sartori, Raffaele Baldassarre

**Parliament's Rules of Procedure
Annex I – Article 2 – point c b (new)**

Present text

Amendment

(cb) membership of any boards or committees of any companies, non-governmental organisations, associations or other bodies established in law, or any other relevant outside activity that the Member undertakes, whether

remunerated or unremunerated,

Or. it

Amendment 28

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I – Articles 1-4

Amendment 5

Amendment

Deleted

Deleted

Or. it

Justification

Articles 1-4 of Annex I to the current Rules of Procedure should be restored as they ensure positive and general rules of conduct for Members during their term of office.

Amendment 29

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto, Amalia Sartori, Raffaele Baldassarre

Parliament's Rules of Procedure

Annex I – Article 4 a (new)

Present text

Amendment

Article 4a

Former Members who engage in professional lobbying or representational activities directly linked to the European Union decision-making process may not benefit from the facilities granted to former Members under Article 1(d) of the Bureau decision to that effect¹.

¹ ***Bureau Decision of 12 April 1999.***

Or. it

Justification

To avoid any dangerous overlap between former Member status and lobbying activities, this rule should only apply to 'bureau de passage' facilities, as referred to in Article 1(d) of the Bureau decision of 12 April 1999.

Amendment 30

Carlo Casini

Parliament's Rules of Procedure

Annex I (new) – Article 1 (new)

Present text

Amendment

Article 1

Guiding principles

In the performance of their duties as a Member of the European Parliament, Members:

(a) are guided by and observe the following general principles of conduct: disinterest, integrity, openness, diligence, honesty, accountability and respect for Parliament's reputation,

(b) act solely in the public interest and refrain from obtaining or seeking to obtain any direct or indirect financial benefit or other reward.

Or. en

*(Linguistic amendment: text of Article 1 of the 'recommendation from the Bureau Working Group on Codes of Conduct to the Members of the Conference of Presidents and the Bureau on the Code of Conduct for Members of the European Parliament' (FdR DV/872358 – PE 463.760/GT) excluding points c) and d) which are moved to a new Article 2, and with the change of the word "selflessness" to "**disinterest**")*

Justification

Linguistic amendment

Amendment 31
Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft Report
Annex I (new) – Article 1 (new)

Amendment 6

Amendment

Article 1

Deleted

Guiding principles

In the performance of their duties as a Member of the European Parliament, Members shall:

- a) be guided by and observe the following general principles of conduct: selflessness, integrity, openness, diligence, honesty, accountability and respect for Parliament's reputation,***
- b) act solely in the public interest and shall not obtain or seek to obtain any direct or indirect financial benefit or other reward.***

Or. it

Justification

Rule 9(2) of the current Rules of Procedure stipulates that Members' conduct should be characterised by mutual respect, be based on the values and principles laid down in the basic texts on which the European Union is founded, respect the dignity of Parliament and not compromise the smooth conduct of parliamentary business or disturb the peace and quiet of any of Parliament's premises. The proposed text lays down restrictive rules applying to specific areas rather than general principles.

Amendment 32
Helmut Scholz

Parliament's Rules of Procedure
Annex I (new) – Article 2 (new)

Present text

Amendment

Article 2

Main duties of Members

In exercising their duties, Members of the European Parliament shall:

(a) not enter into any agreement to act or vote in the interest of any other legal or natural person that would compromise their freedom of vote, as enshrined in Article 6 of the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage and Article 2 of the Statute for Members of the European Parliament,

(b) not solicit, accept or receive any direct or indirect financial benefit or other reward in exchange for influencing, or voting on, legislation, motions for a resolution, written declarations or questions tabled in Parliament or any of its committees, and shall consciously seek to avoid any situation which might imply bribery.

Or. de

Amendment 33

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I – Article 2 (new)

Amendment 7

Amendment

Article 2

Deleted

Main duties of Members

In exercising their duties, Members of the European Parliament shall:

a) not enter into any agreement to act or vote in the interest of any other person that would compromise their freedom of vote, as enshrined in Article 6 of the Act of 20 September 1976 concerning the election of the representatives of the

European Parliament by direct universal suffrage and Article 2 of the Statute for Members of the European Parliament,

b) not solicit, accept or receive any direct or indirect financial benefit or other reward in exchange for influencing, or voting on, legislation, motions for a resolution, written declarations or questions tabled in Parliament or any of its committees, and shall consciously seek to avoid any situation which might imply bribery.

Or. it

Justification

The text proposed by the working group deals with this issue in negative terms, based on what Members should not do. The current Rules of Procedure, like many other sets of rules, lay down general and positive principles and then provide for prohibitions and solutions. There is a general, or rather universal, assumption that Members will vote in the public interest and are not corrupt. Where cases of corruption arise, penalties are imposed. Article 9 of the current Rules of Procedure and Articles 1 and 2 of Annex I thereto already ensure that Members act in a transparent manner.

Amendment 34
David Martin

Parliament's Rules of Procedure
Annex I (new) - Article 3 (new)

Present text

Amendment

Article 3

Conflicts of interest

1. A conflict of interest exists where a Member has a personal interest that could improperly influence the performance of his or her duties as a Member of the European Parliament. A conflict of interest does not exist where a Member benefits only as a member of the general public or of a broad class of persons.

2. Any Member who finds that he or she has a conflict of interest shall immediately take the necessary steps to address it, in accordance with the principles and provisions of this Code of Conduct. If the Member is unable to resolve the conflict of interest, he or she shall report this to the President in writing. In cases of ambiguity, the Member may seek advice in confidence from the Advisory Committee on the Conduct of Members, established under Article 7.

3. Without prejudice to paragraph 2, Members shall disclose, before speaking or voting in Plenary or in one of Parliament's bodies, or if proposed as a rapporteur, any actual or potential conflict of interest in relation to the matter under consideration, where such conflict is not evident from the information declared pursuant to Article 4. Such disclosure shall be made in writing or orally to the chair during the parliamentary proceedings in question.

Or. en

Amendment 35
Mario Mauro, Marco Scurria

Parliament's Rules of Procedure
Annex I (new) – Article 3 (new)

Present text

Amendment

Article 3

Conflicts of interest

1. A conflict of interest exists where a Member has a personal interest that could improperly influence the performance of his or her duties as a Member of the European Parliament. A conflict of interest does not exist where a Member benefits only as a member of the general

public or of a broad class of persons.

2. Any Member who finds that he or she has a conflict of interest shall immediately take the necessary steps to address it, in accordance with the principles and provisions of this Code of Conduct. If the Member is unable to resolve the conflict of interest, he or she shall report this to the President in writing. In cases of ambiguity, the Member may seek advice from the Advisory Committee on the Conduct of Members, established under Article 7.

3. Without prejudice to paragraph 2, Members shall disclose, before speaking or voting in Plenary or in one of Parliament's bodies, or if proposed as a rapporteur, any actual or potential conflict of interest in relation to the matter under consideration, where such conflict is not evident from the information declared pursuant to Article 4. Such disclosure shall be made in writing or orally to the chair during the parliamentary proceedings in question.

Or. it

Amendment 36

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I (new) – Article 3 (new)

Amendment 8

Amendment

Article 3

Deleted

Conflicts of interest

1. A conflict of interest exists where a Member has a personal interest that could improperly influence the performance of his or her duties as a Member of the European Parliament. A conflict of interest does not exist where a Member

benefits only as a member of the general public or of a broad class of persons.

2. Any Member who finds that he or she has a conflict of interest shall immediately take the necessary steps to address it, in accordance with the principles and provisions of this Code of Conduct. If the Member is unable to resolve the conflict of interest, he or she shall report this to the President in writing. In cases of ambiguity, the Member may seek advice from the Advisory Committee on the Conduct of Members, established under Article 7.

3. Without prejudice to paragraph 2, Members shall disclose, before speaking or voting in Plenary or in one of Parliament's bodies, or if proposed as a rapporteur, any actual or potential conflict of interest in relation to the matter under consideration, where such conflict is not evident from the information declared pursuant to Article 4. Such disclosure shall be made in writing or orally to the chair during the parliamentary proceedings in question.

Or. it

Justification

Articles 1 and 2 of Annex I to the current Rules of Procedure makes comprehensive and detailed provision for this area. There is no justification for going into such minute detail, which carries the risk of leaving out certain eventualities.

Amendment 37
Andrew Duff

Parliament's Rules of Procedure
Annex I (new) – Article 4 (new)

Present text

Amendment

Article 4

Declaration to be made by Members of the European Parliament

1. For reasons of transparency, Members shall be personally responsible for submitting a declaration of financial interests to the President 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 accordance with a form to be adopted by the Bureau pursuant to Article 9. They shall notify the President of any changes that have an influence on their declaration within 30 days of each change occurring.

2. The declaration of financial interests shall contain the following information, which shall be provided in a precise manner:

a) the Member's occupation(s) during the three-year period before he or she took up office with the Parliament, and his or her membership during that period of any boards or committees of companies, non-governmental organisations, associations or other bodies established in law,

b) any salary which the Member receives for the exercise of a mandate in another parliament,

c) any regular remunerated activity which the Member undertakes alongside the exercise of his or her office, whether as an employee or as a self-employed person,

d) membership of any boards or committees of any companies, non-governmental organisations, associations or other bodies established in law, or any other relevant outside activity that the Member undertakes, whether remunerated or unremunerated,

e) any occasional remunerated outside activity (including writing, lecturing or the provision of expert advice), if the total remuneration exceeds EUR 5 000 in a

calendar year,

f) any holding in any company or partnership, where there are potential public policy implications or where that holding gives the Member significant influence over the affairs of the body in question,

g) any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to them in connection with their political activities by third parties, whose identity shall be disclosed,

h) any other financial interests which might influence the performance of the Member's duties.

Any investment income Members receive in respect of each item declared in accordance with the first subparagraph shall be calculated on an annual basis.

3. The information provided to the President in line with this Article shall be published on Parliament's website in an easily accessible manner.

4. Members may not be elected as office-holders of Parliament or one of its bodies, appointed as rapporteur, or participate in an official delegation, if they have not submitted their declaration of financial interests.

Or. en

Justification

There are three categories of income which Members need to declare other than their parliamentary salary. This must be made very clear in order to avoid limitless confusion. In sub-paragraph (c) we refer to any regular remunerated activity. In sub-paragraph (e) we refer to any occasional remunerated activity. In sub-paragraph (h) we refer to investment income which may influence the Member in the performance of his duties. The need to stipulate the latter per month is wholly superfluous to requirements.

Amendment 38
Charles Tannock

Parliament's Rules of Procedure
Annex I (new) – Article 4 (new)

Present text

Amendment

Article 4

***Declaration to be made by Members of the
European Parliament***

1. For reasons of transparency, Members shall be personally responsible for submitting a declaration of financial interests to the President 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 accordance with a form to be adopted by the Bureau pursuant to Article 9. They shall notify the President of any changes that have an influence on their declaration within 30 days of each change occurring.

2. The declaration of financial interests shall contain the following information, which shall be provided in a precise manner:

a) the Member's occupation(s) during the three-year period before he or she took up office with the Parliament, and his or her membership during that period of any boards or committees of companies, non-governmental organisations, associations or other bodies established in law,

b) any salary which the Member receives for the exercise of a mandate in another parliament,

c) any remunerated activity which the Member undertakes alongside the exercise of his or her office, whether as an employee or as a self-employed person,

d) membership of any boards or committees of any companies, non-governmental organisations, associations

or other bodies established in law, or any other relevant outside activity that the Member undertakes, whether remunerated or unremunerated,

e) any occasional remunerated outside activity (including writing, lecturing or the provision of expert advice), if the total remuneration exceeds EUR 5 000 in a calendar year,

f) any holding in any company or partnership, where the holding exceeds 15% of the issued shares or where the value of the holding exceeds one year's salary,

g) any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to them in connection with their political activities by third parties, whose identity shall be disclosed,

h) any other financial interests which might influence the performance of the Member's duties.

Any regular income Members receive in respect of each item declared in accordance with the first subparagraph shall be placed in one of the following categories:

- 1. EUR 500 to EUR 1000 a month;*
- 2. EUR 1001 to EUR 5000 a month;*
- 3. EUR 5001 to EUR 10 000 a month;*
- 4. more than EUR 10 000 a month.*

Any other income Members receive in respect of each item declared in accordance with the first subparagraph shall be calculated on an annual basis, divided by twelve and placed in one of the above categories.

3. The information provided to the President in line with this Article shall be published on Parliament's website in an easily accessible manner.

4. Members may not be elected as office-holders of Parliament or one of its bodies, appointed as rapporteur, or participate in an official delegation, if they have not submitted their declaration of financial interests.

Or. en

Justification

Point (f) is in line with the threshold prescribed by the UK House of Commons.

Amendment 39

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Projet de rapport

Annex I – article 4 – paragraph 1 (new)

Amendment 9

Amendment

1. For reasons of transparency, Members shall be personally responsible for submitting a declaration of financial interests to the President 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 accordance with a form to be adopted by the Bureau pursuant to Article 9. They shall notify the President of any changes that have an influence on their declaration within 30 days of each change occurring.

Deleted

Or. it

Justification

Paragraph 1 should, as indicated, be moved to the body of Article 1 of Annex I to the current Rules of Procedure with a view to giving the text a more rational shape (see Amendment 23).

Amendment 40

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report
Annex I (new) – Article 4 (new) – paragraph 2 – point a

Amendment 9

Amendment

(a) the Member's occupation(s) during the three-year period before he or she took up office with the Parliament, and his or her membership during that period of any boards or committees of companies, non-governmental organisations, associations or other bodies established in law, **Deleted**

Or. it

Justification

The Member's occupations during the three-year period before he or she took up office, as referred to in the proposed text, cannot influence his or her duties as a Member.

Amendment 41
Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report
Annex I – Article 4 (new) – paragraph 2 – point c (new)

Amendment 9

Amendment

c) any remunerated activity which the Member undertakes alongside the exercise of his or her office, whether as an employee or as a self-employed person, **Deleted**

Or. it

Justification

Article 4(2)(c) should, as indicated, be moved to the body of Article 2 of Annex I to the current Rules of Procedure (see Amendment 26).

Amendment 42
Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report
Annex I – Article 2 (new) – paragraph 2 – point d (new)

Present text

Amendment

d) membership of any boards or committees of any companies, non-governmental organisations, associations or other bodies established in law, or any other relevant outside activity that the Member undertakes, whether remunerated or unremunerated,

Deleted

Or. it

Justification

Article 4(2)(d) should, as indicated, be moved to the body of Article 2 of Annex I to the current Rules of Procedure (see Amendment 27).

Amendment 43
Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report
Annex I (new) – Article 4 (new) – paragraph 2 – point e

Amendment 9

Amendment

(e) any occasional remunerated outside activity (including writing, lecturing or the provision of expert advice), if the total remuneration exceeds EUR 5 000 in a calendar year,

Deleted

Or. it

Justification

The activities listed here are already covered by Article 4(2)(d). Moreover, there is no need to lay down a maximum amount.

Amendment 44

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I (new) – Article 4 (new) – paragraph 2 – point f

Amendment 9

Amendment

(f) any holding in any company or partnership, where there are potential public policy implications or where that holding gives the Member significant influence over the affairs of the body in question,

Deleted

Or. it

Justification

This amendment is inappropriate, as it seems to show distrust in Members, who represent the public, are accountable to them and cannot be thought to have private interests unless proved otherwise.

Amendment 45

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I (new) – Article 4 (new) – paragraph 2 – point h

Amendment 9

Amendment

h) any other financial interests which might influence the performance of the Member's duties.

Deleted

Or. it

Justification

This amendment is inappropriate because the concept of financial interests may be unlimited and ill-defined and thus lead to political speculation.

Amendment 46
Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report
Annex I (new) – Article 4 (new) – paragraph 2 – subparagraphs 2 and 3

Amendment 9

Amendment

Any regular income Members receive in respect of each item declared in accordance with the first subparagraph shall be placed in one of the following categories:

Deleted

- 1) EUR 500 to EUR 1000 a month;*
- 2) EUR 1.001 to EUR 5.000 a month;*
- 3) EUR 5.001 to EUR 10.000 a month;*
- 4) more than EUR 10 000 a month.*

Any other income Members receive in respect of each item declared in accordance with the first subparagraph shall be calculated on an annual basis, divided by twelve and placed in one of the above categories.

Or. it

Justification

Providing for such categories is totally inappropriate for the same reasons as in the previous amendment.

Amendment 47
Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report
Annex I (new) – Article 4 (new) – paragraph 3

Amendment 9

Amendment

3. The information provided to the President in line with this Article shall be published on Parliament's website in an easily accessible manner.

Deleted

Justification

Article 3 of Annex I to the current Rules of Procedure already ensures that the information in the register kept by the Quaestors is available to the public. This is a sufficient means of providing full guarantees.

Amendment 48

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I – Article 4 (new) – paragraph 4

Amendment 9

Amendment

4. Members may not be elected as office-holders of Parliament or one of its bodies, appointed as rapporteur, or participate in an official delegation, if they have not submitted their declaration of financial interests.

Deleted

Justification

Paragraph 4 should, as indicated, be moved to the body of Article 1 of Annex I to the current Rules of Procedure with a view to giving the text a more rational shape (see Amendment 24).

Amendment 49

Michèle Striffler

Parliament's Rules of Procedure

Annex I (new) – Article 5 (new)

Present text

Amendment

Article 5

Gifts or similar benefits

Members shall surrender to the President, upon their return, any gifts worth more

than EUR 150 which they have received during an official mission outside the Union.

Or. fr

Justification

The provision introduced by the amendment is intended to allow Members to comply with the rules without disrespecting some host countries' particularly well entrenched policy on hospitality and generosity.

Amendment 50
Mario Mauro, Marco Scurria

Parliament's Rules of Procedure
Annex I (new) – Article 5 (new)

Present text

Amendment

Article 5

Gifts or similar benefits

1. Members shall, acting in good faith, refrain from accepting any gifts or similar benefits in the performance of their duties, except those with an obvious value of less than EUR 150 given in accordance with courtesy usage or those given to them in accordance with courtesy usage when they are representing Parliament in an official capacity.

2. Any gifts or similar benefits given to Members, pursuant to paragraph 1, when they are representing Parliament in an official capacity shall be handed over to the President and dealt with in accordance with implementing measures to be laid down pursuant to Article 9.

Or. it

Amendment 51
Charles Tannock

Parliament's Rules of Procedure
Annex I (new) – Article 5 (new)

Present text

Amendment

Article 5

Gifts or similar benefits

- 1. Members shall refrain from accepting any gifts or similar benefits in the performance of their duties, except those with an obvious value of less than EUR 150 given in accordance with courtesy usage or those given to them in accordance with courtesy usage when they are representing Parliament in an official capacity.***
- 2. Any gifts or similar benefits given to Members, pursuant to paragraph 1, when they are representing Parliament in an official capacity shall be handed over to the President and dealt with in accordance with implementing measures to be laid down pursuant to Article 9.***
- 3. This Article shall not apply to travel expenses, hotel accommodation or subsistence allowances received by Members in the performance of their duties. Such benefits must however be registered by the Member together with their declaration of financial interests.***

Or. en

Amendment 52
Andrew Duff, Alexandra Thein

Parliament's Rules of Procedure
Annex I (new) – Article 5 (new)

Present text

Amendment

Article 5

Gifts or similar benefits

1. Members shall refrain from accepting any gifts or similar benefits in the performance of their duties, except those with an approximate value of less than EUR 150 given in accordance with courtesy usage.

2. Any gifts or similar benefits given to Members, pursuant to paragraph 1, when they are representing Parliament in an official capacity shall be handed over to the President and dealt with in accordance with implementing measures to be laid down pursuant to Article 9.

3. Members shall not accept hospitality except when in accordance with courtesy usage. Attendance upon invitation to any events in the performance of their duties or where Members represent the Parliament shall not be considered as hospitality.

Or. en

Justification

There are three categories of 'gift' which need to be catered for. First, small gifts given to Members as a matter of courtesy. Second, gifts given to Members who are representing the Parliament in an official capacity. Third, hospitality afforded Members (such as hotel accommodation) when they accept invitations to events in the course of their duties. (Paragraph 3 is drawn from the Commission's recently adopted Code of Conduct.)

Amendment 53

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I (new) – Article 5 (new)

Amendment 10

Amendment

Article 5

Deleted

Gifts or similar benefits

1. Members shall refrain from accepting any gifts or similar benefits in the performance of their duties, except those with an obvious value of less than EUR 150 given in accordance with courtesy usage or those given to them in accordance with courtesy usage when they are representing Parliament in an official capacity.

2. Any gifts or similar benefits given to Members, pursuant to paragraph 1, when they are representing Parliament in an official capacity shall be handed over to the President and dealt with in accordance with implementing measures to be laid down pursuant to Article 9.

Or. it

Justification

Article 2 of Annex I to the current Rules of Procedure already covers this aspect as it stipulates that Members must refrain from accepting any gift or benefit in the performance of their duties. This provision is more restrictive and fairer. If it is felt that an amendment is necessary, the text could read: 'gift with a very limited (or limited) value'. However, laying down that gifts should have an 'obvious value of less than' the amount indicated is really confusing and dangerous as regards the different ways in which this could be interpreted. What happens if a Member receives 50 different 'gifts', each worth EUR 150?

Amendment 54

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I – Article 6 (new)

Amendment 11

Amendment

Former Members who engage in professional lobbying or representational

Former Members who engage in professional lobbying or representational

activities directly linked to the European Union decision-making process may not benefit from the facilities granted to former Members under the rules laid down by the Bureau to that effect¹.

¹ Bureau Decision of 12 April 1999.

activities directly linked to the European Union decision-making process may not benefit from the facilities granted to former Members under **Article 1(d)** of the rules laid down by the Bureau to that effect¹.

¹ Bureau Decision of 12 April 1999.

Or. it

Justification

To avoid any dangerous overlap between former Member status and lobbying activities, this rule should only apply to 'bureau de passage' facilities, as referred to in Article 1(d) of the Bureau decision of 12 April 1999 (see Amendment 29).

Amendment 55 **Søren Bo Søndergaard, Cornelis de Jong**

Parliament's Rules of Procedure **Annex I (new) – Article 7 (new)**

Present text

Amendment

Article 7

Advisory Committee on the Conduct of Members

1. An Advisory Committee on the Conduct of Members ('the Advisory Committee') is hereby established.

2. The Advisory Committee shall be composed of five members, appointed by the President at the beginning of his or her term of office from amongst the members of the bureaux and the coordinators of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.

Each Member of the Advisory Committee shall serve as chair for six months on a

rotating basis.

3. The President shall also, at the beginning of his or her term of office, nominate reserve Members for the Advisory Committee, one for each group not represented on the Advisory Committee.

In the event of an alleged breach of this Code of Conduct by a Member of a political group not represented on the Advisory Committee, the relevant reserve Member shall serve as a sixth full Member of the Advisory Committee for the alleged breach under consideration.

4. The Advisory Committee shall give guidance to Members for the interpretation and implementation of the provisions of this Code of Conduct.

On request of the President, the Advisory Committee shall also assess alleged cases of breach of this Code of Conduct and advise the President on possible action to be taken.

5. The Advisory Committee may, after consulting the President, seek advice from outside experts.

6. The Advisory Committee shall issue an annual report on its activities, including on the interpretations and application of the provisions of this Code of Conduct. Annual reports shall be published on Parliament's website.

Or. da

Amendment 56
David Martin

Parliament's Rules of Procedure
Annex I (new) – Article 7 (new)

Article 7

Advisory Committee on the Conduct of Members

1. An Advisory Committee on the Conduct of Members ("the Advisory Committee") is hereby established.

2. The Advisory Committee shall be composed of five members, appointed by the President at the beginning of his or her term-of-office from amongst the members of the bureaux and the coordinators of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.

Each Member of the Advisory Committee shall serve as chair for six months on a rotating basis.

3. The President shall also, at the beginning of his or her term-of-office, nominate reserve Members for the Advisory Committee, one for each group not represented in the Advisory Committee.

In the event of an alleged breach of this Code of Conduct by a Member of a political group not represented in the Advisory Committee, the relevant reserve Member shall serve as a 6th full Member of the Advisory Committee for the alleged breach under consideration.

4. The Advisory Committee shall give guidance to Members in confidence for the interpretation and implementation of the provisions of this Code of Conduct.

On request of the President, the Advisory Committee shall also assess alleged cases of breach of this Code of Conduct and advise the President on possible action to be taken.

5. The Advisory Committee may, after consulting the President, seek advice from outside experts.

Or. en

Amendment 57
Andrew Duff

Parliament's Rules of Procedure
Annex I (new) – Article 7 (new)

Present text

Amendment

Article 7

Advisory Committee on the Conduct of Members

1. An Advisory Committee on the Conduct of Members ("the Advisory Committee") is hereby established.

2. The Advisory Committee shall be composed of five members, appointed by the President at the beginning of his or her term-of-office from amongst the members of the bureaux and the coordinators of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.

Each Member of the Advisory Committee shall serve as chair for six months on a rotating basis.

3. The President shall also, at the beginning of his or her term-of-office, nominate reserve Members for the Advisory Committee, one for each group not represented in the Advisory Committee.

In the event of an alleged breach of this Code of Conduct by a Member of a political group not represented in the Advisory Committee, the relevant reserve

Member shall serve as a 6th full Member of the Advisory Committee for the alleged breach under consideration.

4. The Advisory Committee shall give guidance to Members for the interpretation and implementation of the provisions of this Code of Conduct.

On request of the President, the Advisory Committee shall also assess alleged cases of breach of this Code of Conduct and advise the President on possible action to be taken.

5. The Advisory Committee may, after consulting the President, seek advice from outside experts.

6. The Advisory Committee shall publish an annual report of its work.

Or. en

Justification

The Advisory Committee should publish a yearly report which summarises its activities in the interests of accountability and as a record of precedent.

Amendment 58

György Schöpflin, Rafał Trzaskowski

**Parliament's Rules of Procedure
Annex I (new) – Article 7 (new)**

Present text

Amendment

Article 7

*Advisory Committee on the Conduct of
Members*

1. An Advisory Committee on the Conduct of Members ("the Advisory Committee") is hereby established.

2. The Advisory Committee shall be composed of five members, nominated by the President and elected by Parliament at

the beginning of his or her term-of-office from amongst the members of the bureaux and the coordinators of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.

Each Member of the Advisory Committee shall serve as chair for six months on a rotating basis.

3. The President shall also, at the beginning of his or her term-of-office, nominate and the Parliament shall elect reserve Members for the Advisory Committee, one for each group not represented in the Advisory Committee.

In the event of an alleged breach of this Code of Conduct by a Member of a political group not represented in the Advisory Committee, the relevant reserve Member shall serve as a 6th full Member of the Advisory Committee for the alleged breach under consideration.

4. The Advisory Committee shall give guidance to Members for the interpretation and implementation of the provisions of this Code of Conduct and shall respond within 30 calendar days.

At the request of the President, the Advisory Committee shall also assess alleged cases of breach of this Code of Conduct and advise the President on possible action to be taken.

The proceedings of the Advisory Committee must be transparent: its assessments shall constitute a body of precedent and a record of its proceedings shall be made.

5. The Advisory Committee may, after consulting the President, seek advice from outside experts.

Or. en

Amendment 59

Giuseppe Gargani, Iva Zanicchi, Crescenzo Rivellini, Potito Salatto

Draft report

Annex I (new) – Articles 7 - 9 (new)

Amendments 12-14

Amendment

Article 7

Deleted

Advisory Committee on the Conduct of Members

1. An Advisory Committee on the Conduct of Members ("the Advisory Committee") is hereby established.

2. The Advisory Committee shall be composed of five members, appointed by the President at the beginning of his or her term-of-office from amongst the members of the bureaux and the coordinators of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.

Each Member of the Advisory Committee shall serve as chair for six months on a rotating basis.

3. The President shall also, at the beginning of his or her term-of-office, nominate reserve Members for the Advisory Committee, one for each group not represented in the Advisory Committee.

In the event of an alleged breach of this Code of Conduct by a Member of a political group not represented in the Advisory Committee, the relevant reserve Member shall serve as a 6th full Member of the Advisory Committee for the alleged breach under consideration.

4. The Advisory Committee shall give guidance to Members for the interpretation and implementation of the provisions of this Code of Conduct.

On request of the President, the Advisory Committee shall also assess alleged cases of breach of this Code of Conduct and advise the President on possible action to be taken.

5. The Advisory Committee may, after consulting the President, seek advice from outside experts.

Article 8

Procedure in the event of possible breaches of the Code of Conduct

1. Where there is reason to think that a Member may have breached this Code of Conduct, the President may refer the matter to the Advisory Committee.

2. The Advisory Committee shall examine the circumstances of the alleged breach, and on the basis of the conclusions of its findings, make a recommendation to the President on a possible decision.

3. If, taking into account the advice of the Advisory Committee, the President concludes that the Member concerned has breached the Code of Conduct, he or she shall, after hearing the Member, adopt a reasoned decision laying down a penalty, which he or she shall notify to the Member.

The penalty may consist of one or more of the measures listed in Article 153(3) of the Rules of Procedure.

4. The internal appeal procedures defined in Rule 154 of the Rules of Procedure shall be open to the Member concerned.

5. Any penalty imposed on a Member after the expiry of the time-limits laid down in Rule 154 of the Rules of Procedure shall be announced by the President in plenary and published on Parliament's website for the remainder of the parliamentary term.

Article 9

Implementation

The Bureau shall lay down Implementing Measures to this Code of Conduct, including a monitoring procedure, and shall update the amounts referred to in Articles 4 and 5, when necessary.

It may bring forward proposals to revise this Code of Conduct.

Or. it

Justification

A committee of Members to monitor other Members is inappropriate and dangerous!

Amendment 60

Søren Bo Søndergaard, Cornelis de Jong

**Parliament's Rules of Procedure
Annex I (new) – Article 8 (new)**

Present text

Amendment

Article 8

Procedure in the event of possible breaches of the Code of Conduct

- 1. Where there is reason to think that a Member may have breached this Code of Conduct, the President may refer the matter to the Advisory Committee.***
- 2. The Advisory Committee shall examine the circumstances of the alleged breach, and on the basis of the conclusions of its findings, make a recommendation to the President on a possible decision.***
- 3. If, taking into account the advice of the Advisory Committee, the President concludes that the Member concerned has breached the Code of Conduct, he or she shall, after hearing the Member, adopt a reasoned decision laying down a penalty, which he or she shall notify to the Member.***

The penalty may consist of one or more of the measures listed in Article 153(3) of the Rules of Procedure.

4. The internal appeal procedures defined in Rule 154 of the Rules of Procedure shall be open to the Member concerned.

5. Any penalty imposed on a Member after the expiry of the time-limits laid down in Rule 154 of the Rules of Procedure shall be announced by the President in plenary and prominently published on Parliament's website for the remainder of the parliamentary term.

Or. da

**Amendment 61
Andrew Duff**

**Parliament's Rules of Procedure
Annex I (new) – Article 8 (new)**

Present text

Amendment

Article 8

Procedure in the event of possible breaches of the Code of Conduct

1. Where there is reason to think that a Member may have breached this Code of Conduct, the President may refer the matter to the Advisory Committee.

2. The Advisory Committee shall examine the circumstances of the alleged breach, and may hear the Member concerned. On the basis of the conclusions of its findings, it shall make a recommendation to the President on a possible decision.

3. If, taking into account the advice of the Advisory Committee, the President concludes that the Member concerned has breached the Code of Conduct, he or she shall, after hearing the Member, adopt a reasoned decision laying down a penalty,

which he or she shall notify to the Member.

The penalty may consist of one or more of the measures listed in Article 153(3) of the Rules of Procedure.

4. The internal appeal procedures defined in Rule 154 of the Rules of Procedure shall be open to the Member concerned.

5. Any penalty imposed on a Member after the expiry of the time-limits laid down in Rule 154 of the Rules of Procedure shall be announced by the President in plenary and published on Parliament's website for the remainder of the parliamentary term.

Or. en

Justification

In paragraph 2 it should be stipulated that the Committee has the option of meeting with the Member concerned.

Amendment 62
David Martin

Parliament's Rules of Procedure
Annex I (new) – Article 8 (new)

Present text

Amendment

Article 8

Procedure in the event of possible breaches of the Code of Conduct

1. Where there is reason to think that a Member may have breached this Code of Conduct, the President may refer the matter to the Advisory Committee.

2. The Advisory Committee shall examine the circumstances of the alleged breach, and on the basis of the conclusions of its findings, make a recommendation to the

President on a possible decision.

3. If, taking into account the advice of the Advisory Committee, the President concludes that the Member concerned has breached the Code of Conduct, he or she shall, after hearing the Member, adopt a reasoned decision laying down a penalty, which he or she shall notify to the Member.

The penalty may consist of one or more of the measures listed in Article 153(3) of the Rules of Procedure.

In the case of the withdrawal of a rapporteurship, the President shall submit this recommendation to the committee responsible. Such a proposal shall be approved by the committee responsible by a majority of two-thirds.

4. The internal appeal procedures defined in Rule 154 of the Rules of Procedure shall be open to the Member concerned.

5. Any penalty imposed on a Member after the expiry of the time-limits laid down in Rule 154 of the Rules of Procedure shall be announced by the President in plenary and published on Parliament's website for the remainder of the parliamentary term.

Or. en

Amendment 63
Søren Bo Søndergaard, Cornelis de Jong

Parliament's Rules of Procedure
Annex I (new) – Article 8 a (new)

Present text

Amendment

Article 8a

Legislative Footprint

Rapporteurs are invited to keep and publish, in a standard template annexed

to their report, a record of their principal contacts with, and the contributions made by, outside interests when drafting a report.

Or. en

Amendment 64
Søren Bo Søndergaard, Cornelis de Jong

Parliament's Rules of Procedure
Annex I (new) – Article 9 (new)

Present text

Amendment

Article 9

Implementation

The Bureau shall lay down implementing measures for this Code of Conduct, including a monitoring procedure, and shall update the amounts referred to in Articles 4 and 5, when necessary.

The Bureau or the Conference of Presidents may bring forward proposals to revise this Code of Conduct, which, at all events, shall be reviewed no later than two years after its entry into force.

Or. da