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*Plenary sitting*

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**B9-0149/2023**

14.2.2023

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the establishment of an independent EU ethics body  
(2023/2555(RSP))

**Leila Chaibi**

on behalf of The Left Group

**European Parliament resolution on the establishment of an independent EU ethics body (2023/2555(RSP))**

*The European Parliament,*

- having regard to the political guidelines for the next European Commission 2019-2024, presented on 16 July 2019 by Ursula von der Leyen in her capacity as candidate for President of the European Commission,
  - having regard to the mission letter of 1 December 2019 of the President of the Commission to Věra Jourová, the Vice-President designate for Values and Transparency,
  - 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>1</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>2</sup>,
  - having regard to Article 298 of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to its Rules of Procedure, in particular Rules 2, 10, 11 and 176(1), Articles 1-3, 4(6), 5 and 6 of Annex I, and Annex II,
  - having regard to Regulation No 31 (EEC), 11 (EAEC) laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community<sup>3</sup>,
  - having regard to the letter from the European Ombudsman to President Metsola on improving the European Parliament's ethics and transparency framework,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas, since the revelations known as Qatargate, the Belgian federal prosecutor's office has opened an ongoing investigation into allegations of money-laundering, corruption and participation in a criminal organisation; whereas several arrests and searches have taken place since 9 December 2022, affecting both current and former Members of the European Parliament, as well as staff; whereas the ongoing investigations have to be continued to establish the full truth and hold the people involved accountable;

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<sup>1</sup> OJ C 117, 11.3.2022, p. 159.

<sup>2</sup> Texts adopted, P9\_TA(2022)0448.

<sup>3</sup> OJ P 045, 14.6.1962, p. 1385.

- B. whereas, since the Qatargate scandal broke, revelations have continued to emerge, such as regarding undeclared trips by Members that may have influenced their position and that of Parliament, including notably visits to Qatar, Morocco, Bahrain, Mauritania, the United Arab Emirates and Azerbaijan;
- C. whereas 104 trips that had been paid for by non-EU countries were declared in the wake of Qatargate, with 69 of those declarations being made after the corresponding deadline, while previously, an average of just four trips per month had been reported; whereas no sanctions were issued;
- D. whereas Qatargate has seriously damaged the public perception of the EU in general and of Parliament in particular; whereas the independence, transparency and accountability of public institutions, their elected representatives and their Commissioners and officials are of the utmost importance for both building trust among citizens and ensuring the proper functioning of democratic institutions;
- E. whereas Article 298 TFEU provides that ‘in carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration’ and that ‘in compliance with the Staff Regulations and the Conditions of Employment adopted on the basis of Article 336, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish provisions to that end’;
- F. whereas the shortcomings of the current EU ethical framework derive largely from the fact that it relies on a self-regulatory approach and lacks the necessary human and financial resources and competences to verify information; whereas the establishment of an independent ethics body is essential for restoring trust in the European institutions and their democratic legitimacy;
- G. whereas the President of the Commission has committed to creating an independent ethics body common to all EU institutions; whereas the Vice-President of the Commission for Values and Transparency made the same commitment in her mission letter; whereas Parliament has already supported this view;
- H. whereas the freedom of mandate of the Members of the European Parliament does not in any way prevent the establishment of such an independent ethics body and its attached prerogatives, including investigative and sanctioning powers; whereas no legal judgment has ever demonstrated any such restriction;
1. Is appalled by the numerous cases of undeclared trips by Members that have emerged following Qatargate, which indicate a systematic lack of binding rules and improper enforcement of existing internal rules aimed at combating undue influence and corruption at the European Parliament; points to the need to abandon self-regulatory approaches;
  2. Calls for all forms and manifestations of corruption, conflicts of interest and revolving doors to be combated; urges, in this regard, a clampdown on the existing promiscuity between political and economic power in the EU institutions, as reflected in the legislative process;

3. Urges the Commission to swiftly finalise its proposal for a single independent EU ethics body, common to all the EU institutions, in order to ensure the consistent and full implementation of ethics standards across the institutions;
4. Reiterates its position that, in order to be fully effective, the body should merge the functions of existing bodies responsible for ethics in the different institutions and agencies;
5. Reiterates that a single independent EU ethics body could better ensure the consistent and full implementation of ethics standards across the EU institutions in order to guarantee that public decisions are taken in the spirit of the common good, thus building trust in the EU institutions among citizens;
6. Deems that the upcoming revision of the Treaties is the ideal opportunity to include a binding requirement for all EU institutions and agencies to establish such an independent ethics body; notes that under the interinstitutional agreement (IIA), even if revised, participation in an ethics body would remain voluntary; is concerned that less willing institutions, agencies and bodies might not participate;
7. Underlines further that Article 298 TFEU provides for the possibility of introducing a regulation in accordance with the ordinary legislative procedure for matters relating to an open, efficient and independent European administration;
8. Suggests reinforcing the sanction procedures at Parliament without delay, while waiting for the establishment of an independent ethics body; points, in that regard, to the European Ombudsman's observations regarding Parliament's Advisory Committee; underlines that the European Ombudsman suggests strengthening the Advisory Committee's independence while granting it powers proactively to monitor, investigate and ensure compliance with ethics rules, in particular Parliament's Code of Conduct, and providing it with sufficient resources; is of the opinion that decisions on sanctions should be put to the vote in plenary in order to ensure transparency and public debate;
9. Considers that all EU institutions and agencies should entrust the independent ethics body with monitoring powers with regard to ethics standards, as well as advisory powers, the power to investigate on its own initiative and enforcement powers, coupled with the capacity to issue sanctions, if necessary;
10. Believes that Members of the European Parliament and the staff of all EU institutions should be able to be investigated by the independent ethics body before, during and after their term of office or service in line with the applicable rules; considers that this should apply to Members of the European Parliament, Commissioners and all EU staff falling under the scope of the Staff Regulations;
11. Calls, in order to limit potential conflicts of interest, for a ban on Members of the European Parliament performing paid side jobs or activities, in particular as companies' managers or consultants, or members or directors of their boards of directors or advisory boards;
12. Stresses that combating the phenomenon of revolving doors between public and private organisations is of the utmost importance;

13. Notes that cooling-off periods vary greatly according to institutions' own internal rules; points out that the Commission has introduced a two-year cooling-off period, while President Metsola recently proposed only a six-month period as a follow-up to Qatargate; considers President Metsola's proposal insufficient;
14. Suggests that the EU ethics body should be tasked with issuing recommendations for harmonised and adequate cooling-off periods throughout the EU institutions, including for Members of the European Parliament;
15. Considers that, to be really independent, the body should be composed mostly of independent external experts; suggests, therefore, limiting the participation of former MEPs and Commissioners to a third of the body's total headcount;
16. Is of the opinion that the composition of the body should be gender-balanced;
17. Takes the view that the independent EU ethics body could also be given authority over the obligations imposed by the Transparency Register; considers, therefore, that the body should have the power to carry out checks on the basis of records or on the spot in order to monitor compliance with the reporting obligations of lobbyists; considers that the body should also have the power to impose penalties on interest representatives involved in a breach of ethical rules; stresses that the Member States' transparency bodies and authorities have the capacity to impose financial penalties on lobbyists who fail to comply with their transparency obligations, and do so very effectively;
18. Stresses the need for the body to protect whistleblowers, in particular European public officials, so that they can express their concerns about possible violations of rules without the fear of reprisals; suggests, in this connection, that the body should supervise the internal and confidential complaint mechanisms under the Staff Regulations of Officials of the European Union and Conditions of Employment of Other Servants; stresses that only a safe and protective working environment will enable public officials to express their concerns and thereby help to make the work of the independent ethics body effective;
19. Instructs its President to forward this resolution to the Council and the Commission.