



Plenary sitting

B9-0316/2023

5.7.2023

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

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

on the establishment of the EU Ethics Body
(2023/2741(RSP))

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on behalf of the S&D Group

**European Parliament resolution on the establishment of the EU Ethics Body
(2023/2741(RSP))**

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Articles 9 and 10, 15(3), 17(3) and to the Treaty on the Functioning of the European Union, in particular Article 298 thereof,
 - having regard to its resolution of 16 February 2023 on the establishment of an independent EU Ethics Body¹,
 - 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 institutions²,
 - 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 body³,
 - having regard to its resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions⁴,
 - having regard to the ‘Measures on Strengthening Integrity, Independence and Accountability’ adopted by its Conference of Presidents on 8 February 2022,
 - having regard to the Commission’s proposal of 8 June 2023 on the creation of an interinstitutional ethics body (COM(2023)0311),
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas all EU institutions have to meet the highest standards of independence, integrity, transparency, accountability and ethical behaviour;
- B. whereas the independence, transparency and accountability of public institutions and their elected representatives, Commissioners and officials are of the utmost importance in promoting the trust of citizens, which is necessary for the legitimate functioning of democratic institutions;
- C. whereas EU institutions and their officials must safeguard the integrity of the EU’s democratic principles and values as well as serve as an example to follow for citizens and officials alike;
- D. whereas the code of conduct for Members of the European Parliament with respect to

¹ Texts adopted: P9_TA(2023)0055.

² OJ C 177, 17.5.2023, p. 109.

³ OJ C 117, 11.3.2022, p. 159.

⁴ OJ C 337, 20.9.2018, p. 120.

financial interests and conflicts of interest is monitored by an Advisory Committee on the Conduct of Members composed of five MEPs, which has proved to have limited human and financial resources and competences to verify information;

- E. whereas the shortcomings of the current EU ethical framework derive largely from the fact that it relies on a self-regulatory approach and has insufficient resources and competences to verify information; whereas the creation of an independent ethics body could contribute to strengthening trust in the EU institutions and their democratic legitimacy;
- F. whereas the current ethics framework is fragmented across the institutions, agencies and EU bodies, which have different rules, processes and levels of enforcement, creating a complex system that is difficult to enforce, undermining the trust of EU citizens;

Assessment of the Commission's proposal

1. Takes note of the Commission's proposal for the creation of an interinstitutional ethics body published on 8 June 2023; considers the proposal to be unsatisfactory and insufficiently ambitious;
2. Recalls its position on the establishment of an independent ethics body as indicated in its resolutions of 16 September 2021 and 16 February 2023;
3. Regrets the Commission's long delay in presenting the proposal; recalls that the prompt establishment of an independent interinstitutional EU ethics body was announced by the President of the Commission in her first address to Parliament in July 2019;
4. Is concerned that the Commission's proposal lacks both the powers and resources to effectively strengthen integrity and accountability in the EU institutions; is particularly disappointed that the Commission's proposal does not envisage the body's having the ability to define common sanctions when rules are broken or to monitor the application of harmonised ethical standards across all EU institutions;
5. Recalls its position that the ethics body should be given appropriate investigative powers, including the ability to act on its own initiative and the power to request administrative documents, while respecting the immunity of Members, their freedom of mandate and safeguarding the applicable procedural guarantees;
6. Shares the view that the promotion of a common culture of ethics and transparency should be made a priority for the European institutions; expects the scope of the Ethics body to go beyond introducing a simple mechanism for coordination;
7. Expresses its commitment to respect and value the autonomy of each institution; is of the opinion that an agreement on minimal common applicable sanctions should be an essential goal, based on consolidated principles of sound financial management, integrity, transparency, loyal and sincere cooperation;
8. Expects that common standards for sanctions and own investigations, in cooperation with each institution's advisory committees, where applicable, should be established, with binding rules and definitions in particular on:

- (a) detailed declarations of all interests and assets,
 - (b) limitations to side jobs and external activities of members,
 - (c) cooling-off periods for former members, monitoring of its compliance and follow-up in the case of breaches, including the application of sanctions,
 - (d) restrictions on the acceptance of gifts, hospitality, travel offered by third parties,
 - (e) conditionality and transparency measures as regards meetings with interest representatives, in order to ensure a more uniform application of the current Transparency Register rules;
9. Takes note that the Commission's proposal covers members, or persons who hold a similar function, and doesn't concern staff, that are subject to common obligations in the Staff Regulations; recalls the high ethical standards expected to be upheld by European Union public servants and staff; expects Parliament to lead by example and proposes that it unilaterally applies the rules of the Transparency Register to its middle and senior management; considers it crucial to empower the ethics body with the task to propose an alignment of the rules for staff, notably concerning meetings of senior managers with interest representatives; calls for these specific elements to be taken into account and adjusted in the next review of the Staff Regulations; stresses the need to protect whistleblowers, in particular European public officials;
 10. Insists that the independent EU ethics body could also fulfil its mandate based on information received from third parties, such as journalists, media, NGOs, whistleblowers, civil society or the European Ombudsman; insists that any third party referring in good faith a matter to the ethics body must be protected and their identity kept anonymous;

Structure of the ethics body

11. Calls for more ambition in structuring the common secretariat of the ethics body; Believes that beyond functions of coordination and monitoring it should also be empowered with adequate resources to fulfil joint operational activities;
12. Believes that in addition to the proposed joint structure of heads of unit, or equivalent, responsible for ethics for members in each participating institution, a proper and fully autonomous common secretariat would be required;
13. Regrets the very limited increase in human resources foreseen in the Commission's proposals; considers that the creation of only two new AST posts will be insufficient for the tasks generated with the establishment of the new body; expects the common secretariat to be endowed with AD positions, without assigning the new posts to each respective institution; is ready to fulfil its role as budgetary authority to implement this goal;
14. Considers it to be of the utmost importance to ensure the involvement of one third of independent experts as full members of the ethics body, with equal footing on all decisions concerning standards, rules and actions;

15. Considers that the mandate of the independent experts should specifically envisage their issuing recommendations and playing an active role in assessing cases of rule-breaking;
16. Believes the independent experts should also be able to have a preliminary review of all declarations of interest from MEPs, commissioners and members of the political bodies listed in Article 13 TEU;
17. Suggests that the appointment of the independent experts be taken by the members of the ethics body in a consensual manner; expects the selection to be based on an open and transparent procedure, by taking into consideration criteria of competence, integrity, geographical balance, diversity and gender equality;
18. Expects the institutions covered by the scope of the register to agree on a gender-balanced composition of the body, while respecting each institution's autonomy;
19. Stresses that the ethics body should ensure the separation of powers and avoid duplications neither overlap with the mandate of the European Anti-Fraud Office (OLAF), European Public Prosecutor's Office, European Ombudsman;
20. Considers that the decision on conflicts of interest of designated Commissioners prior to hearings should remain a democratic and institutional competence of Parliament's Committee on Legal Affairs;

Interinstitutional negotiations

21. Considers that the scope of the proposal should cover all the EU institutions and bodies listed in Article 13 TEU as well as the Committee of Regions and the European Economic and Social Committee; believes that the complexity of stakeholders involved should not be a reason for further delay in establishing the ethics body and insists that in any case the ethics body should be urgently established among Parliament and Commission;
22. Stresses that the negotiations must not be delayed and commits to concluding them by the end of 2023 so that the new ethics body can enter into force at the latest at the beginning of the next legislative period;
23. Expects the interinstitutional negotiations on the ethics body to be conducted with the highest standards of transparency;
24. Suggests the negotiations be modelled on the successful negotiations on the Transparency Register, with two high ranking negotiators supported by a contact group with the task of monitoring the progress of negotiations and accompanying the work of its negotiators;
25. Calls on its political governing bodies and on its future negotiators to base their mandate on this resolution as well as on all its previous positions on the ethics body;
26. Supports the revision and strengthening of the legal basis on sound financial management, transparency and integrity of the institutions, in particular by applying the ordinary legislative procedure on these matters and by amending Article 11 TEU;

27. Undertakes to urgently reform its Advisory Committee by strengthening its capacity to implement high standards of public office laid down in the code of conduct for members and other rules adopted by its bodies, also by introducing investigative powers, stronger sanctions and clearer enforcement of all existing rules;

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28. Instructs its President to forward this resolution to the Council, the Commission, the Committee of Regions, the European Economic and Social Committee and all other institutions and bodies listed in Article 13 TEU.