



**PE644.844v01-00**

5.12.2019

# **AMENDMENTS**

## **1 - 34**

**Draft motion for a resolution**

**Irene Tinagli**

(PE644.812v01-00)

Institutions and bodies in the Economic and Monetary Union: Preventing post-public employment conflicts of interest



**Amendment 1**  
**Sven Giegold**  
on behalf of the Greens/EFA Group

**Draft motion for a resolution**  
**Citation 4 a (new)**

*Draft motion for a resolution*

*Amendment*

- *having regard to Article 21 of the Commission Decision C(2018) 4048 final of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the Service<sup>3a</sup>,*

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*3a*

<https://ec.europa.eu/transparency/regdoc/rep/3/2018/EN/C-2018-4048-F1-EN-MAIN-PART-1.PDF>

Or. en

**Amendment 2**  
**Paul Tang**

**Draft motion for a resolution**  
**Citation 4 a (new)**

*Draft motion for a resolution*

*Amendment*

- *having regard to European Commission decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the Service<sup>3a</sup>,*

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*3a*

[https://www.era.europa.eu/sites/default/files/agency/docs/decision/decision\\_n182\\_commission\\_decision\\_on\\_outside\\_activities\\_en.pdf](https://www.era.europa.eu/sites/default/files/agency/docs/decision/decision_n182_commission_decision_on_outside_activities_en.pdf)

Or. en

### Amendment 3

Paul Tang

#### Draft motion for a resolution

Citation 11 a (new)

*Draft motion for a resolution*

*Amendment*

– *having regard to the Letter from the Ombudsman to the Director of the European Banking Authority on the implementation of Article 16 of the EU Staff Regulations<sup>9a</sup>,*

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<sup>9a</sup>

<https://www.ombudsman.europa.eu/en/correspondence/en/80699>

Or. en

### Amendment 4

Paul Tang

#### Draft motion for a resolution

Recital E

*Draft motion for a resolution*

*Amendment*

E. whereas the EBA Board of Supervisors has taken a decision *imposing* restrictions on its Executive Director *in order to address* the conflict of interest arising from him accepting his new position at AFME; whereas these restrictions address activities while in service at the EBA and after leaving the EBA;

E. whereas the EBA *Management Board and Board* of Supervisors *decided that the EBA Executive Director's new employment as CEO of AFME should be approved; whereas the Board of Supervisors* has taken a decision *to impose* restrictions on its Executive Director *believing this addresses* the conflict of interest arising from him accepting his new position at AFME; whereas these restrictions address activities while in service at the EBA and after leaving the EBA;

Or. en

## Amendment 5

**Sven Giegold**

on behalf of the Greens/EFA Group

### Draft motion for a resolution

#### Recital E

##### *Draft motion for a resolution*

E. whereas the EBA Board of Supervisors has taken a decision imposing restrictions on its Executive Director **in order to** address the conflict of interest arising from him accepting his new position at AFME; whereas these restrictions address activities while in service at the EBA and after leaving the EBA;

##### *Amendment*

E. **whereas the EBA Board of Supervisors approved the new employment as CEO of AFME;** whereas the EBA Board of Supervisors has taken a decision imposing restrictions on its Executive Director **that according to the EBA** address the conflict of interest arising from him accepting his new position at AFME; whereas these restrictions address activities while in service at the EBA and after leaving the EBA;

Or. en

##### *Justification*

*AM based on suggestions by Change Finance Coalition.*

## Amendment 6

**Markus Ferber**

on behalf of the PPE Group

### Draft motion for a resolution

#### Recital E

##### *Draft motion for a resolution*

E. whereas the EBA Board of Supervisors has taken a decision imposing restrictions on its Executive Director in order to address the conflict of interest arising from him accepting his new position at AFME; whereas these restrictions address activities while in service at the EBA and after leaving the EBA;

##### *Amendment*

E. whereas the EBA Board of Supervisors has taken a decision imposing **fairly light** restrictions on its Executive Director in order to address the conflict of interest arising from him accepting his new position at AFME; whereas these restrictions address activities while in service at the EBA and after leaving the EBA;

Or. en

## **Amendment 7**

**Sven Giegold**

on behalf of the Greens/EFA Group

### **Draft motion for a resolution**

#### **Recital H**

##### *Draft motion for a resolution*

H. whereas post-public employment and 'revolving door' conflict of interest situations are recurring *issues* and have been assessed and analysed by international and EU bodies, in particular by the EU Ombudsman and the European Court of Auditors;

##### *Amendment*

H. whereas post-public employment and 'revolving door' conflict of interest situations are recurring *concerns* and have been assessed and analysed by international and EU bodies, in particular by the EU Ombudsman and the European Court of Auditors;

Or. en

##### *Justification*

*AM based on suggestions by Change Finance Coalition.*

## **Amendment 8**

**Sven Giegold**

on behalf of the Greens/EFA Group

### **Draft motion for a resolution**

#### **Recital H a (new)**

##### *Draft motion for a resolution*

##### *Amendment*

***Ha. whereas 'revolving door' refers to conflicts of interest that can arise both because of pre- and post-public employment in the private sector or in private sector interest groups;***

Or. en

##### *Justification*

Follows definition in the 2010 Transparency International working paper 'Regulating the Revolving Door'.

## Amendment 9

Paul Tang

### Draft motion for a resolution

#### Paragraph 2

##### *Draft motion for a resolution*

2. Is concerned about the conflict of interest that has arisen as a consequence of the appointment of the EBA Executive Director as AFME Chief Executive from 1 February 2020; notes that this post-public employment **might constitute** not only **an** risk to the reputation and independence of EBA but to all Union institutions;

##### *Amendment*

2. Is concerned about the conflict of interest that has arisen as a consequence of the appointment of the EBA Executive Director as AFME Chief Executive from 1 February 2020; notes that this post-public employment **with no cooling off period constitutes** not only **a** risk to the reputation and independence of EBA but to all Union institutions;

Or. en

## Amendment 10

Sven Giegold

on behalf of the Greens/EFA Group

### Draft motion for a resolution

#### Paragraph 2

##### *Draft motion for a resolution*

2. Is concerned about the conflict of interest that has arisen as a consequence of the appointment of the EBA Executive Director as AFME Chief Executive from 1 February 2020; notes that this post-public employment **might constitute** not only **an** risk to the reputation and independence of EBA but to all Union institutions;

##### *Amendment*

2. Is concerned about the conflict of interest that has arisen as a consequence of the appointment of the EBA Executive Director as AFME Chief Executive from 1 February 2020; notes that this post-public employment **with no cooling off period constitutes** not only **a** risk to the reputation and independence of EBA but to all Union institutions;

Or. en

##### *Justification*

*AM based on suggestions by Change Finance Coalition.*

**Amendment 11**  
**Markus Ferber**  
on behalf of the PPE Group

**Draft motion for a resolution**  
**Paragraph 2**

*Draft motion for a resolution*

2. Is concerned about the conflict of interest that has arisen as a consequence of the appointment of the EBA Executive Director as AFME Chief Executive from 1 February 2020; notes that this post-public employment might constitute not only an risk to the reputation and independence of EBA but to all Union institutions;

*Amendment*

2. Is concerned about the conflict of interest that has arisen as a consequence of the appointment of the EBA Executive Director as AFME Chief Executive from 1 February 2020; notes that this post-public employment might constitute not only an risk to the reputation and independence of EBA but to all Union institutions ***and the European project as a whole;***

Or. en

**Amendment 12**  
**Markus Ferber**  
on behalf of the PPE Group

**Draft motion for a resolution**  
**Paragraph 2 a (new)**

*Draft motion for a resolution*

*Amendment*

***2a. Recalls that unaddressed conflict of interest situations might not only compromise the enforcement of high ethical standards throughout European administration but also jeopardize the right of good administration threatening the level playing field required for the well-functioning of the single Market;***

Or. en

**Amendment 13**  
**Sven Giegold**  
on behalf of the Greens/EFA Group



**Draft motion for a resolution**  
**Paragraph 2 a (new)**

*Draft motion for a resolution*

*Amendment*

**2a. Is concerned that the systematic nature of the 'revolving door' phenomenon has the potential to compromise the integrity of European institutions and to damage citizens' trust in them;**

Or. en

**Amendment 14**  
**Markus Ferber**  
on behalf of the PPE Group

**Draft motion for a resolution**  
**Paragraph 3**

*Draft motion for a resolution*

*Amendment*

3. Calls for an effective application of the EU Staff Regulations, in particular of Article 16, in order to prevent conflicts of interest;

3. Calls for an effective **and consistent** application of the EU Staff Regulations, in particular of Article 16, in order to prevent conflicts of interest; **in particular, but not only, for senior officials;**

Or. en

**Amendment 15**  
**Sven Giegold**  
on behalf of the Greens/EFA Group

**Draft motion for a resolution**  
**Paragraph 3**

*Draft motion for a resolution*

*Amendment*

3. Calls for an effective application of the EU Staff Regulations, in particular of Article 16, in order to prevent conflicts of interest;

3. Calls for an effective application of the EU Staff Regulations, in particular of Article 16, in order to prevent conflicts of interest; ***underlines that article 16 allows for European institutions to turn down a***

*request to take a specific job if restrictions do not suffice to protect the legitimate interests of the institutions; stresses that in the case of Mr. Farkas, a prohibition of a direct move to AFME would have been a proportionate measure in that AFME constitutes an ‘opposing party’ in the meaning of Commission Decision C(2018)4048 final, article 21 3(b);*

Or. en

*Justification*

*AM based on suggestions by Change Finance Coalition.*

**Amendment 16**

**Paul Tang**

**Draft motion for a resolution**

**Paragraph 3**

*Draft motion for a resolution*

3. Calls for an effective application of the EU Staff Regulations, in particular of Article 16, in order to prevent conflicts of interest;

*Amendment*

3. Calls for an effective application of the EU Staff Regulations, in particular of Article 16, in order to prevent conflicts of interest; ***underlines that Article 16 allows institutions to turn down a request to take a specific job if restrictions of a different nature do not suffice to protect the legitimate interests of the institutions; stresses that a rejection of a direct move to AFME would have been a proportionate move as AFME constitutes an ‘opposing party’ in the meaning of Commission Decision C(2018)4048 final, article 21 3(b);***

Or. en

**Amendment 17**

**Alfred Sant**

**Draft motion for a resolution**

**Paragraph 4 a (new)**

*Draft motion for a resolution*

*Amendment*

**4a.** *Notes that there could be an emerging need to evaluate how conflicts of interest could also arise from positions held pre-public employment or pre-nomination to posts carrying regulatory or executive powers and responsibilities, and recommends that this be given further consideration;*

Or. en

**Amendment 18**

**Paul Tang, Sven Giegold, Luis Garicano, Jonás Fernández, José Gusmão**

**Draft motion for a resolution**

**Paragraph 4 a (new)**

*Draft motion for a resolution*

*Amendment*

**4a.** *Condemns the decision by the EBA Board of Supervisors and Management Board to allow Mr Farkas to take up the position of CEO of AFME; calls upon them to review the decision;*

Or. en

**Amendment 19**

**Sven Giegold**

on behalf of the Greens/EFA Group

**Draft motion for a resolution**

**Paragraph 5 a (new)**

*Draft motion for a resolution*

*Amendment*

**5a.** *Is further concerned about revolving door cases in the European Commission, especially those in which staff members take up employment in the private sector with the option of returning to their previous public sector posts; calls on the Commission to disclose how many*

*of its officials have moved to the banking, insurance and fund industry during the last ten years, what kind of restrictions were imposed in these cases, how often such moves were prohibited, and how many temporary moves with return option to a Union body were approved;*

Or. en

#### **Amendment 20**

**Sven Giegold**

on behalf of the Greens/EFA Group

#### **Draft motion for a resolution**

#### **Paragraph 6 a (new)**

*Draft motion for a resolution*

*Amendment*

**6a. *Emphasises that, while experience gained in private sector employment by members of its staff can be valuable to a regulatory or supervisory body, the Union's bodies and institutions should be suffused with a strong public service ethos so as best to serve Europe's citizens;***

Or. en

#### **Amendment 21**

**Markus Ferber**

on behalf of the PPE Group

#### **Draft motion for a resolution**

#### **Paragraph 7**

*Draft motion for a resolution*

*Amendment*

7. Calls on the European Court of Auditors to undertake a comprehensive analysis of the approach of bodies and agencies in the EMU regarding the management of situations where there are potential conflicts of interest;

7. Calls on the European Court of Auditors to undertake a comprehensive analysis of the approach of bodies and agencies in the EMU regarding the management of situations where there are potential conflicts of interest; ***calls on the ECA to identify best practices;***

**Amendment 22**  
**Markus Ferber**  
on behalf of the PPE Group

**Draft motion for a resolution**  
**Paragraph 8**

*Draft motion for a resolution*

8. Calls on the Commission to assess the current practice on post-public employment at European and national level;

*Amendment*

8. Calls on the Commission to assess the current practice on post-public employment at European and national level ***and take into account its findings for the considerations for a harmonised legal framework for the prevention of post-public employment conflicts of interest;***

Or. en

**Amendment 23**  
**Paul Tang**

**Draft motion for a resolution**  
**Paragraph 8**

*Draft motion for a resolution*

8. Calls on the Commission to assess the current practice on post-public employment at European and national level;

*Amendment*

8. Calls on the Commission to assess the current practice on post-public employment at European and national level ***with a view to identify necessary improvements to further protect the institutions from conflicts of interest emanating from employment taken by senior officials after leaving the service or employment at senior posts of Union institutions after leaving the private sector;***

Or. en

## Amendment 24

Sven Giegold

on behalf of the Greens/EFA Group

### Draft motion for a resolution

#### Paragraph 8

##### *Draft motion for a resolution*

8. Calls on the Commission to assess the current practice on post-public employment at European and national level;

##### *Amendment*

8. Calls on the Commission to assess the current practice on post-public employment at European and national level **and to develop stronger measures for the prevention of conflicts of interest that arise when senior officials of Union bodies leave their posts to take up private sector employment or when individuals that come from the private sector are appointed to senior positions in a Union body;**

Or. en

##### *Justification*

*AM based on suggestions by Change Finance Coalition.*

## Amendment 25

Sven Giegold

on behalf of the Greens/EFA Group

### Draft motion for a resolution

#### Paragraph 10

##### *Draft motion for a resolution*

10. Calls on the Commission to define in this review of the post-public employment framework specific risk areas which might require strengthening, including expanding the opportunity to block professional moves and to consider possible lengthening of cooling-off periods of senior officials proportionate to the specific case to ensure equal treatment in line with Article 15 of the Charter of Fundamental Rights of the European Union;

##### *Amendment*

10. Calls on the Commission to define in this review of the post-public employment framework specific risk areas which might require strengthening, including expanding the opportunity to block professional moves and to consider **extending** possible lengthening of cooling-off periods of senior officials proportionate to the specific case to ensure equal treatment in line with Article 15 of the Charter of Fundamental Rights of the European Union; **stresses that the**

*requirement of ex-ante disclosures of conflicts of interest in Article 11 of the Staff Regulation should be implemented in a way that ensures that a candidate's potential conflicts of interest are revealed well before taking up employment in a Union body; further stresses that all Union bodies should publish their internal rules for dealing with conflicts of interest on their websites and heed the European Ombudsman's 2017 recommendations concerning the publication of the annual information required by Article 16(4) of the Staff Regulation;*

Or. en

**Amendment 26**  
**Paul Tang**

**Draft motion for a resolution**  
**Paragraph 10**

*Draft motion for a resolution*

10. Calls on the Commission to define in this review of the post-public employment framework specific risk areas which might require strengthening, including expanding the *opportunity* to block professional moves and to consider possible lengthening of cooling-off periods of senior officials proportionate to the specific case to ensure equal treatment in line with Article 15 of the Charter of Fundamental Rights of the European Union;

*Amendment*

10. Calls on the Commission to define in this review of the post-public employment framework specific risk areas which might require strengthening, including expanding the *possibility* to block professional moves and to consider possible lengthening of cooling-off periods of senior officials proportionate to the specific case to ensure equal treatment in line with Article 15 of the Charter of Fundamental Rights of the European Union;

Or. en

**Amendment 27**  
**Sven Giegold**  
on behalf of the Greens/EFA Group

**Draft motion for a resolution**

**Paragraph 10 a (new)**

*Draft motion for a resolution*

*Amendment*

**10a.** *Calls on the Commission to extend this review to pre-public employment conflicts of interests and to consider strengthening existing measures, such as mandatory divestment of interests in undertakings that are subject to the authority of the institution to which a newly appointed official belongs or which have dealings with that institution, and to consider also new types of prevention measures, such as mandatory recusal when dealing with matters that affect a former private sector employer;*

Or. en

**Amendment 28**

**Paul Tang, Luis Garicano**

**Draft motion for a resolution**

**Paragraph 10 a (new)**

*Draft motion for a resolution*

*Amendment*

**10a.** *Considers the right to employment not to be violated by prohibiting a professional move where the person concerned currently holds employment and where the prohibition is sufficiently targeted and justified;*

Or. en

**Amendment 29**

**Paul Tang, Luis Garicano, Jonás Fernández, José Gusmão**

**Draft motion for a resolution**

**Paragraph 10 b (new)**

*Draft motion for a resolution*

*Amendment*

**10b.** *Calls upon all Members of the*



*European Parliament to refrain from contact with the current Executive Director once, and provided that, he takes up his job as CEO of AFME for a two year period; calls upon the Presidium of the Parliament to mirror the EBA's ban on Mr Farkas entering their premises in banning Mr Farkas from the EP premises for a two year period;*

Or. en

### **Amendment 30**

**Paul Tang, Luis Garicano, Jonás Fernández, José Gusmão**

#### **Draft motion for a resolution Paragraph 10 c (new)**

*Draft motion for a resolution*

*Amendment*

**10c. Calls upon all representatives of the European Commission and the Council of the European Union to refrain from meeting Mr Farkas once, and provided that, he takes up his job as CEO of AFME for a two year period;**

Or. en

### **Amendment 31**

**Sven Giegold**

on behalf of the Greens/EFA Group

#### **Draft motion for a resolution Paragraph 11**

*Draft motion for a resolution*

*Amendment*

11. Points out that ***in case a stricter application of*** cooling-off periods for senior officials ***was considered, granting adequate compensation for the duration of the cooling-off period to the senior officials leaving the agency would have to be looked at as well;*** underlines that such temporary allowances should end if a new

11. Points out that, ***if longer*** cooling-off periods for senior officials ***who leave an agency are introduced, one might also consider granting them an appropriate temporary allowance;*** underlines that such temporary allowances should end if a new

employment is taken up during the cooling-off period;

employment is taken up during the cooling-off period;

Or. en

### **Amendment 32**

**Markus Ferber**

on behalf of the PPE Group

#### **Draft motion for a resolution**

##### **Paragraph 12**

###### *Draft motion for a resolution*

12. Calls on the Commission to assess, whether it is appropriate that the concerned EU agencies decide for themselves on the enforcement of the rules for the prevention of conflicts of interest, and whether the independent ethics body envisaged by President-elect of the European Commission Ursula von der Leyen could function as body of appeal in that regard;

###### *Amendment*

12. Calls on the Commission to assess, whether it is appropriate that the concerned EU agencies decide for themselves on the enforcement of the rules for the prevention of conflicts of interest, ***how a consistent application of the rules can be ensured*** and whether the independent ethics body envisaged by President-elect of the European Commission Ursula von der Leyen could function as body of appeal in that regard;

Or. en

### **Amendment 33**

**Sven Giegold**

on behalf of the Greens/EFA Group

#### **Draft motion for a resolution**

##### **Paragraph 12**

###### *Draft motion for a resolution*

12. Calls on the Commission to assess, whether it is appropriate that the concerned EU agencies decide for themselves on the enforcement of the rules for the prevention of conflicts of interest, ***and whether*** the independent ethics body envisaged by ***President-elect of the European Commission Ursula von der Leyen could***

###### *Amendment*

12. Calls on the Commission to assess, whether it is appropriate that the concerned EU agencies decide for themselves on the enforcement of the rules for the prevention of conflicts of interest; ***considers*** the independent ethics body envisaged by ***Commission President Ursula von der Leyen to be the body that is best-suited to take decisions related to conflict of***

*function as body of appeal in that regard;*

*interest of EU staff members in the future;*

Or. en

**Amendment 34**

**Sven Giegold**

on behalf of the Greens/EFA Group

**Draft motion for a resolution**

**Paragraph 12 a (new)**

*Draft motion for a resolution*

*Amendment*

***12a. Calls on members of the European Parliament to refrain from contact with Mr. Farkas in his capacity as chief executive of AFME for two years from 1 February 2020.; calls on the European Parliament not to grant Mr. Farkas accreditation and a permanent access pass ('brown badge') to the European Parliament premises for the same time period to avoid a conflict of interest; calls on the Council and the Commission to refrain from contacts with Mr Farkas for two years from 1 February 2020;***

Or. en

*Justification*

*AM based on suggestions by Change Finance Coalition.*