



Brussels, 7 December 2023
SG.C.2/AP

Minutes
Third Political meeting – EU Ethics Body
7 December 2023

The Vice-President of the Commission welcomed the participants and pointed out that the last meetings had shown that all the institutions and advisory bodies were ready to engage in the negotiation process and wanted to make progress, which was very encouraging for the continuation of the discussion. She also pointed out that all the institutions and advisory committees had been busy over the last two months with internal discussions on the content of a negotiating mandate that needed to be validated by their respective internal decision-making bodies. Finally, she noted that a great deal of work had been done at the technical level, enabling everyone to enter into a more concrete discussion.

1. Approval on the minutes of the political meeting of 8 November 2023

No additional comments were made by the institutions or advisory committees represented at the meeting. The minutes of the political meeting held on 8 November 2023 were therefore considered approved.

2. Commission proposal for a draft agreement

The Vice-President of the Commission indicated that the technical group identified 11 issues that needed guidance from the political level. These points had been grouped in two packages in order to allow a discussion in two rounds. She highlighted that the order of points did not express any value judgement on their importance or pre-empt any position by an institution. Finally, she proposed that the European Parliament should present its proposal before opening the floor to all institutions and advisory bodies.

The Vice-President of the European Parliament emphasised that the body should do more than setting minimum ethical standards. More specifically, she proposed that an opt-in mechanism should allow institutions to entrust the body with the handling of individual cases and enable it to investigate or examine alleged breaches of ethical rules including on-the-spot investigations, either on request of the institutions or on its own initiative. She indicated that the body should be able to propose recommendations to the responsible authorities of the respective institutions and to provide advice and guidance to members on the interpretation of an ethical standard in specific cases.

Group I. Issues related to the scope of the Commission proposal

1. Possible mechanism of ‘enhanced cooperation’/‘opt-in’ allowing for handling individual cases: **the Vice-President of the Commission** indicated that the Parliament’s proposal would fundamentally alter the Commission proposal and the underlying approach, raising a number of institutional, legal, administrative and budgetary questions. She recalled that the

Commission reiterated its position that it was seeking a standard setting body for all institutions and advisory committees, not a body dealing with individual cases of a few institutions. However, she pointed out that the Commission was ready to listen to the European Parliament's ideas and could envisage, in parallel to the current negotiations, separate meetings with the Parliament and the other institutions and advisory committees who might be possibly interested in those additional ideas.

The representative of the European Council expressed reservations about the Parliament's proposal, given that it would change the nature and scope of the Commission proposal. **The representative of the Court of Justice of the EU** recalled that it could not be involved in the handling of individual cases by the Body or the experts. **The representative of the European Central Bank** expressed the Bank's support to the governance system proposed by the Commission as a first and important step towards building a common and strong ethics culture among institutions. **The representative of the Court of Auditors** indicated that the Parliament's proposal raised many legal questions and went against the Court's mandate of negotiations. **The representative of the Council** stated it was examining the recently circulated text. **The representatives of the European Economic and Social Committee and Committee of the Regions** pointed out that they had no mandate to deal with the Parliament's proposal.

2. Request to include staff members of the institutions in the scope of the Body: with the exception of the European Parliament, which supports the inclusion of staff ethics issues within the scope of the Body, all the other institutions and advisory committees have indicated that they either did not have a mandate to negotiate on this issue or that they considered the Staff Regulations of Officials of the EU and the ECB's staff rules as separate and sufficient legal frameworks to ensure the high ethical standards and rules throughout the EU administration.

3. Status of the representatives of the Member States: **the representative of the Council** made clear that the inclusion of representatives of Member States would not be legally possible, as they are already subject to national legislation on ethics and the Council does not have itself the power to impose internal rules on ethical behaviour on members of national government.

The Vice-President of the Commission indicated that alternative ways should be explored in her view and that if Council could propose such alternatives, the Commission would be open to compromise on this matter. The other institutions and advisory committees considered that this was a matter for the Council and did not comment on the position expressed by the Council.

Group II. Issues related to the structure of the Body (order follows the structure of the legal text)

4. Status of observer of the Court of Justice: all institutions and advisory committees responded favourably to this request from the Court, given its unique position as an independent judicial branch of the EU institutions.

5. Status of the members of the two advisory Committees: the two advisory committees, whose members respectively represent employers, workers and civil society or local and regional authorities, proposed that their specific status should be taken better into account in the agreement, and referred to drafting proposals the Committees had shared at technical level. The Commission proposal already contains a clause on the particularities of each institution that the standards must take into account. The Commission is however not against further clarifications in the agreement, provided that this is agreeable to all other institutions and does

not result in exemptions. The other institutions did not express any disagreement on further clarifications to be added in the draft agreement.

6. Specific mention of the High Representative as President of the Foreign Affairs Council: no institution or advisory committee opposed or objected to the Council proposal, with the technical level to work further on this matter.

7. Duration of the mandate of parties' representatives: no institution or committee objected to (and a number of them supported) a deletion from the draft agreement of the 5-year limit of the mandate of the parties' representatives.

8. Modalities of the selection procedure of the independent experts: all institutions and advisory committees agreed to continue to reflect on a selection procedure that guarantees equal participation by all parties, while the process should not become too complex and reassure all parties as to the competence and independence of the experts. Many of them required to have a say in defining the process and in the selection itself.

9. Standards applicable to the experts / speaker/chairperson among the experts: all institutions and advisory committees agreed that the ethical standards to be developed by the Body should also apply to them; some supported the inclusion in the draft agreement of a provision stating that the experts should appoint a speaker from among them.

10. Rotating Secretariat of the Body: **The representatives of the European Central Bank and the European Court of Auditors** proposed that the Secretariat of the Body / Coordinator function should be attached to the institution holding the presidency of the Body. In practice they are favouring a solution consisting of a rotating Coordinator function which would not be permanently attached to the Commission. **The Vice-President of the Commission** indicated that it preferred to maintain its initial position (Secretariat attached to the Commission) but was ready to discuss a rotating coordinator function if other institutions converge on that option.

11. Cost sharing policy between the parties: the financial statement adopted by the Commission with the draft agreement specifies that the body's expenditure must be equally shared between the parties. **The representatives of the European Economic and Social Committee and Committee of the Regions**, supported by **the representative of the Court of Justice of the EU**, indicated that the principle of equal cost sharing should be adapted to the size of their administrative budgets and the observer status of the Court. **The representative of the Council** recalled its position on proportionate resources and budget neutrality. The issue should be further explored. **The Vice-President of the European Parliament** raised the option of all costs of the Body being met by the Commission for which additional appropriations would be allocated to it for that purpose. The issue should be further explored at technical level.

3. Transparency

The Vice-President of the Commission indicated that in order to make the work transparent and accessible, it would be useful to create a dedicated webpage on the EUROPA website. This page of the website could have 3 sections: 1. The Commission's proposal (the communication to the other institutions, the draft agreement and the financial statement); 2. the agendas and agreed minutes of the political meetings and 3. the calendar of meetings. No institution or advisory body raised any objection to the proposed transparency measures. There was no consensus on other measures, such as the proposal by the Member of Parliament to also publish the agendas and minutes of technical meetings.

Concluding remarks:

The Vice-President of the Commission ended the meeting by indicating that the next round of technical discussions would take place on 14 and 18 December 2023 at Director level. She proposed that the technical level should deal with the points discussed at this meeting concerning the general structure of the Commission's proposal, the scope and operation of the Body. With regard to the mechanism proposed by Parliament to allow institutions to entrust the Body with the handling of individual cases, she proposed that parallel meetings be held among those institutions and committee which were interested in the Parliament's proposal. In order to take stock of the progress made at a technical level, she indicated that another political meeting could be convened before the end of January to provide further guidance and decide on the way forward. The objective remains to have the Body up and running before the European elections.