



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate C - Transparency, Efficiency & Resources  
SG.C.2 - Ethics, Good Administration & Relations with the European Ombudsman

Brussels, 27 February 2024  
SG.C.2/GR

**Fifth Political meeting – EU Ethics Body  
23 February 2024**

**Introductory words**

**The Vice-President of the Commission** welcomed the participants and announced the three items that were to be discussed according to the agenda; 1. Tasks of the independent experts; 2. Cost sharing policy between the parties; 3. Status of the representatives of the parties. The Vice-President of the Commission opened the floor for comments. Then, she opened the floor for any comments on the envisaged meeting's structure) should be discussed first.

**The representative of the Council** proposed that the third item of the agenda (*Status of the representatives of the parties*) is discussed as the first. All parties agreed to discuss it as the first item.

**The representative of the European Court of Auditors** requested the inclusion of Article 20 (Review clause) in the agenda's items.

**1. Approval of the minutes of the political meeting of 30 January 2024**

**The representative of the European Council** indicated that the minutes of the political meeting of 30 January 2024 should reflect that the European Council had no formal mandate yet. Consequently, the participants agreed that the minutes would be validated once the respective requests for amendments were submitted by the European Council.

**2. Status of the representatives of the parties**

**The Vice-President of the Commission** reiterated that the reflection of each Party's particularities in the agreement text was an issue that had been already addressed and agreed upon. She invited the representative of the Council to update the parties on the Council's mandate with regard to the status of the representatives of the Member States holding the Presidency of the Council.

**The representative of the Council** replied that the representatives of the Member States on ministerial level were bound by the rules of the respective national legislation on ethical standards. He emphasised that there was no legal basis in the Treaties that would allow for Ministers to be bound by the ethical standards developed by the envisaged Body. He added that Member States could unilaterally and voluntarily inform the Body before their Presidency about their applicable ethical rules for their representatives at ministerial level, which could subsequently be published on the webpage of the 'EU Ethics Body'. He also announced that the Council would prepare a political declaration to facilitate the processing of information to be received from Member States after the conclusion of the agreement on the establishment of the Body.

Other participants stressed the importance of having the Council onboard, as a full member to the envisaged Interinstitutional EU Ethics Body. However, they indicated that the Council's proposal seemed incompatible with the Body's scope as it would allow the Council to participate in the Body's decision-making procedures while its members would not be subject to the common minimum standards.

**The European Council** supported the Council while reiterating that it did not have a mandate to negotiate.

**The representative of the European Parliament** noticed that the collection and publication of national ethical rules binding the Member States' representatives on ministerial level would bring limited value added to the envisaged Body, as these rules were already public and can be found in the official journals of the Member States.

**The Vice-President of the Commission** stated that structural symmetry would be key to establishing a credible and successful interinstitutional Body. To that end, she explained that she saw three options: 1. The Body would be given a role to assess the unilateral declarations submitted by the Member States and issue a public statement about the findings. Thereby, the Council would be on equal footing with other Parties; 2. The Body would only take note on unilateral declarations submitted by the Member States. In that case, the Council could not block the consensus of the other Parties on the development of the standards; 3. There would be no obligation for the Council to inform the Body. The Council could only have a status of observer in the agreement.

**The Vice-President of the Commission** suggested that this issue should be addressed again in the following technical meeting of 1 March 2024.

### **3. Tasks of the independent experts**

**The Vice-President of the European Parliament** supported that the Body should be competent to examine all declarations submitted by MEPs and issue recommendations on the basis of the common minimum standards developed by the Body and the internal rules of the respective party. To that end he proposed alternative wording for Article 6a(1) and (5).

**The representative of the Council** also proposed new wording for Article 6a(1) and (2) during the meeting.

Finally, he added that the Council's mandate did not cover Article 6a(5).

**The representative of the European Court of Auditors** reiterated that the Court's mandate referred to the Commission's proposal for creating a standards-setting body and that conferring additional powers to the Body put the interinstitutional character of the body at risk. He stressed that the implementation of the standards had to remain the autonomous decision of each Party.

The participants agreed that the Commission should try to formulate a new compromise proposal based on the positions expressed during the meeting and would host a joint drafting session ahead of next technical meeting, before the 1 March 2024, to facilitate an agreement among all participants.

### **4. Cost sharing policy**

The parties agreed on the principle of proportionate distribution of the costs according to the administrative budgets of the participating Parties as well as on a 50% rebate for the Court of Justice of the EU.

**The Vice-President of the Commission** announced the two possible options for the regulation of the cost sharing system; **Option 1 (Commission's Proposal)**: The contributions of each party would be in proportion to the size of their administrative budget, and the consultations on individual cases would be paid by the consulting party; **Option 2 (Parliament's Proposal)**: The Parliament would take an equal share with the Commission (33% instead of 25%; Commission 33% instead of 45%) while requesting in exchange that the consultations on individual cases would not have to be paid by the consulting party. A review mechanism should ensure that the share of a party would increase if it made more consultations than others.

To make the cost sharing policy more equitable for the parties with smaller administrative budgets, **the Vice-President of the European Parliament** expressed Parliament's readiness to change its proposal from 33% to 35%.

**The representatives of the Commission and the Council** showed openness to both options. Other parties were more supportive towards the Commission's proposal. Furthermore, they underlined the adverse effects that would be caused to the parties with smaller budgets should individual consultations be paid collectively by all Parties.

**The Vice-President of the Commission** indicated that the discussion on the cost sharing policy should be finalised in the upcoming technical meeting of 1 March 2024.

## **5. Article 20 (Review Clause)**

**The representative of the European Court of Auditors** stressed that it would be problematic and legally superfluous, if not wrong, to define in the agreement what parts should be specifically reviewed in the future even though a review of an agreement could be by definition comprehensive. He announced that the Court would make a new text proposal in this regard before the next technical meeting.

## **6. Concluding Remarks**

**The Vice-President of the Commission** concluded the meeting and suggested that the next technical meeting of 1 March 2024 should continue the discussions on these matters. She suggested that a final political meeting should be scheduled shortly after that technical meeting to conclude an agreement.