



TEXTS ADOPTED

P9_TA(2023)0281

Establishment of the EU Ethics Body

European Parliament resolution of 12 July 2023 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, 10, 13, 15(3) and 17(3) thereof, and to the Treaty on the Functioning of the European Union (TFEU), in particular Article 298 thereof,
 - 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 its resolution of 16 September 2021 on strengthening transparency and integrity in the EU institutions by setting up 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 February 2023 on the establishment of an independent EU ethics body³,
 - having regard to its resolution of 16 February 2023 on following up on measures requested by Parliament to strengthen the integrity of the European institutions⁴,
 - having regard to the Commission communication of 8 June 2023 entitled ‘Proposal for an interinstitutional ethics body’ (COM(2023)0311),
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas the independence, transparency and accountability of public institutions and

¹ OJ C 117, 11.3.2022, p. 159.

² OJ C 177, 17.5.2023, p. 109.

³ Texts adopted, P9_TA(2023)0055.

⁴ Texts adopted, P9_TA(2023)0054.

their elected representatives, and of EU Commissioners and officials, are of the utmost importance for fostering citizens' trust, which is necessary for democratic institutions to function legitimately;

- B. whereas the recent corruption revelations have rightly increased public and political scrutiny of the current standards and practices within Parliament and other institutions;
 - C. whereas the current ethics framework is fragmented across the EU institutions, agencies and bodies, which have different rules, processes and levels of enforcement, creating a complex system that is difficult to enforce and is undermining the trust of EU citizens;
 - D. whereas the shortcomings of the current EU ethics 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 should contribute to strengthening trust in the EU institutions and their democratic legitimacy;
 - E. whereas the TEU and the TFEU set out a European governance framework based on the separation of powers, laying down distinct rights and obligations for each institution;
 - F. whereas Parliament broadly supported a proposal for setting up an independent ethics body in its resolution of 16 September 2021;
 - G. whereas not a single financial penalty has ever been imposed for a breach of the Code of Conduct of Members; whereas 26 such breaches have been documented in the annual reports of the Advisory Committee on the Conduct of Members;
 - H. whereas the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register entered into force on 20 May 2021; whereas the NGOs at the centre of the Qatargate scandal were not registered, yet had unhindered access to the European Parliament; whereas subsequent revelations have uncovered significant oversight and accountability deficits for stakeholders acting on behalf of, or with funding from, non-EU countries;
1. Notes that the Commission's proposal for the establishment of an interinstitutional ethics body is unsatisfactory and not ambitious enough, falling short of a genuine, independent ethics body as envisaged in Parliament's resolution of 16 September 2021 and reiterated in its resolution of 16 February 2023;
 2. Regrets the Commission's long delay in presenting the proposal despite the commitment made by the President of the Commission in her political guidelines when she was first elected;
 3. Welcomes the fact that the Commission intends to facilitate the dialogue between the institutions on the establishment of the body in line with the political guidelines for the European Commission 2019-2024 in order to allow an independent investigation into the current standards and rules in the institutions;
 4. Regrets the fact that the Commission has proposed that five independent experts be involved only as observers rather than as full members; recalls that Parliament's proposal of 2021 envisaged a nine-person body composed of independent ethics

experts, instead of one member from each participating institution; reiterates that the body's members must be independent, chosen on the basis of their competence, experience and professional qualities, as well as their personal integrity, have an impeccable record of ethical behaviour and provide a declaration on the absence of conflicts of interest;

5. Recalls its position that the ethics body should be able to investigate on its own initiative alleged breaches of ethical rules by current or former Members and staff and to conduct on-the-spot and records-based investigations using the information that it has collected or that it has received from third parties and should have the power to request administrative documents, while respecting the immunity of Members, their freedom of mandate and safeguarding the applicable procedural guarantees; proposes that the ethics body be empowered to deal with individual cases upon request from a participating institution or upon the proposal of one or more members of the body, including its independent experts;
6. Stresses that the body should be able to issue recommendations for sanctions to the responsible authorities of the respective participating institutions; proposes that its recommendations be made public together with the decision taken by the respective institution or after a deadline;
7. Suggests that the independent experts deal with individual cases together with the member of the body representing the institution concerned in the individual case, who would be able to take part in the body's deliberations;
8. Reiterates that the ethics body should be able to receive and assess declarations of interest and assets from participating institutions when applicable;
9. Underlines that this body should also play a preventive role by raising awareness and providing guidance on how to avoid conflicts of interest for members of the participating institutions; notes that the scope and competences of such a body need to be clearly defined in order to duly respect institutional autonomy and differences, as well as its members' functions;
10. Regrets the fact that the Commission's proposal covers members of the participating institutions but does not concern staff, who are subject to common obligations in the Staff Regulations; reiterates its call to include the staff of the participating institutions within the scope of the ethics body's work;
11. Stresses the need for the body to protect whistleblowers, in particular European public officials, so that they can express their concerns about possible breaches of the rules without the fear of reprisals;
12. Calls for more ambition in structuring the secretariat of the ethics body by devoting sufficient resources to it, therefore enabling the body to fulfil all its tasks;
13. Stresses that the ethics body should ensure the separation of powers and avoid duplication of effort, and that its mandate should therefore not overlap with that of the European Anti-Fraud Office, the European Public Prosecutor's Office, the national police and prosecutorial authorities, or the European Ombudsman;
14. Recommends that Parliament's internal procedures on dealing with breaches of rules, in

particular the Code of Conduct, be strengthened, the sanctions catalogue be more clearly defined and the advisory committee be structurally reformed and that regular public reports be issued on its work; underlines that Parliament is currently reviewing its institutional rules framework and will be taking concrete reform measures to increase the simplicity, transparency and effective enforcement thereof;

15. Believes that negotiations on transparency and ethics must themselves be conducted with exemplary transparency; stresses that all political groups should be represented in Parliament's contact group to which the negotiating team will be reporting, as is usually the case;
16. Believes that the complexity of the stakeholders involved should not be a reason for further delay in establishing the ethics body; commits to concluding the interinstitutional negotiations by the end of 2023, so that the new ethics body can come into operation at the latest at the beginning of the next legislative period; further commits to entering the interinstitutional negotiations on the basis of the position expressed in its resolution of 16 September 2021;
17. Emphasises that in the Qatargate case, NGOs were allegedly used as vectors of foreign interference in European democracy; calls for an urgent review of existing regulations with the aim of increasing NGOs' transparency and accountability in their interactions with Members;
18. Calls in particular for the establishment of robust standards on transparency and access to institutions for entities listed in the Transparency Register, including NGOs; reiterates, in this context, the need for comprehensive financial pre-screening of these entities before they are listed in the Transparency Register;
19. Recalls that the 'revolving doors' phenomenon also applies to NGOs and calls for further study of conflicts of interest in this regard as a matter of urgency; emphasises that members of the ethics body must in all circumstances avoid conflicts of interest and must therefore recuse themselves without delay from working on files that pertain to the field of work of NGOs from which they have received remuneration;
20. Instructs its President to forward this resolution to the other institutions and the advisory bodies listed in Article 13 of the Treaty on European Union.