



Brussels, 8 November 2023  
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**Minutes**  
**Second Political meeting – EU Ethics Body**  
**8 November 2023**

**The Vice-President of the Commission** welcomed the participants and highlighted the political importance of the second exchange of views on the Commission's proposal for an interinstitutional ethics body, since almost every party had a mandate to start interinstitutional negotiations. She emphasised that the Commission's proposal was ambitious, legally sound and politically feasible and would deliver the level of integrity that citizens expect. She also indicated that the Commission's proposal seemed to allow all institutions to participate and reach an agreement quickly. She invited all participants to share information about their negotiating mandate and reply to the three questions that had been sent to the institutions and advisory bodies in the invitation letter to the political meeting<sup>1</sup>.

**The Vice-President of the European Parliament**, speaking on behalf of the delegation of the Parliament present at the meeting, indicated that the Parliament did not yet have a formal mandate of the Conference of Presidents. She emphasised that an interinstitutional ethics body should restore EU citizens' trust, since experience has shown that setting self-regulating ethical rules was not sufficient. She underlined that independence of the body was key to trust. To that end, she stated that the proposal should be further developed, as a bolder approach for the ethics regime was needed in Parliament's view. She argued that the body should do more than setting minimum ethical standards. More specifically, she proposed that the body should (a) be able to investigate on request of the institutions or on its own initiative alleged breaches of ethical rules and to conduct on-the-spot and record-based investigations, (b) be empowered to deal with individual cases upon request of a participating institution or on its own initiative, (c) be able to issue recommendations for sanctions to the responsible authorities of the respective institutions, (d) be empowered to assess declarations of interest and assets from participating institutions when applicable.

Furthermore, she stated that as many institutions as possible should be parties to the interinstitutional ethics body, on an equal basis. She added that the body's resources should be in line with the tasks of the body.

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<sup>1</sup> 1) Do you agree to the overall model proposed by the Commission, based on the joint creation of common standards that all participating institutions commit to transpose into their internal rules as a minimum, taking into account that this model would not prevent different institutions to go further if they so wish? 2) Do you agree to the governance system based on a joint body in which all institutions and bodies participate on an equal footing, this being without prejudice to the exact repartition of financial costs between the participants? 3) Do you agree to the overall composition model of the body, in which there are representatives of the different institutions and a number of independent experts?

As for the body's composition, she referred to previous proposals of the Parliament, namely that it should be composed of nine members in total: three appointed by the Commission; three by the Parliament; three de jure. However, she underlined that the body's particular competences needed to be discussed first.

She concluded that the Parliament aimed at an agreement before the European elections in 2024.

The **Chair of COREPER II** highlighted Council's commitment to a more accountable and transparent EU. He stressed that, while promoting a common ethical culture, the body should respect the particularities of the different institutions, as laid in the Treaties. He explained that for legal reasons representatives of the Member States could not be covered by the scope of the Body, including when holding the Presidency, because national law applied to them. The body should be empowered to issue clear and public recommendations according to the minimum ethical standards to be set. On the other hand, he noted a potential contradiction between Articles 6(3) and 7(7) of the draft agreement, leading possibly to the limitation of institutional autonomy due to the legally binding nature of the standards.

Furthermore, he expressed Council's support to the idea of establishing a joint body to which all parties would participate in an equal way. As for the resources, he proposed they be distributed proportionally. He added that the resources' origin needs to be discussed too.

Finally, he underlined that the members of the body should only serve the interest of the EU. He stated that the criteria for their selection, including geographical requirements, should be fully set out in the agreement. He also suggested that the presidency should rotate monthly.

The **Registrar of the Court of Justice** stated that the Court supported the creation of an EU Ethics Body but that the Court could only accept an observer status, due to the principle of separation of powers. He replied positively to the three questions mentioned in the invitation letter.

The **Member of the Executive Board of the European Central Bank** expressed the Bank's support to the Commission's proposal and the governance system proposed by the Commission. He stressed the need of having as many institutions as possible as part of the body, participating on an equal basis. He also proposed the rotation of the presidency and the coordinator function for the secretariat.

Moreover, he stated that the Bank agreed with having five independent experts as proposed by the Commission but suggested the possibility of additional representative of the parties.

Finally, he stressed that the negotiations should be as transparent as possible.

The **Member of the Court of Auditors** stated that the Court would participate in the negotiations on the basis of the Commission proposal but would not make more detailed comments at that stage.

The **Vice-President of the European Economic and Social Committee** expressed the Committee's support to the Commission's initiative, stating however that the particularities of the different institutions would have to be respected. Moreover, he stated that the Committee agreed with the proposed governance system, but budgetary issues needed to be discussed further. Finally, he expressed the Committee's openness to having more permanent members in the body on a rolling basis.

The **Vice-President of the Committee of the Regions** stressed the importance of credibility and trust. He stated that the standards to be developed by the EU Ethics Body would have to take into account, and be proportionate to, the situation of the Members of the Committee and could apply to them only when they are acting in their European functions without impact on their national mandates, which was covered by national rules.

He proposed that financial issues be addressed in accordance with the principle of proportionality.

As far as the composition of the body is concerned, he stated that the Committee agreed with having five independent experts but supported the idea of including representatives from the institutions as well. He emphasised that decisions would have to be made by consensus, otherwise there could be no agreement.

He questioned the feasibility to respect the timelines provided for in the agreement for the work of the Ethics Body.

The **Vice-President of the Commission** noted that all parties agreed with the setting of common minimum ethical standards and were willing to work together towards an agreement. She stated that all proposals for amendments of the Commission proposal needed to be analysed on a technical level. Then, she opened the floor for further reactions.

The **Member of the European Parliament** clarified that only increasing the number of rules was not enough for the Parliament. He stated that the focus needed to be on how the rules could be implemented and enforced, because experience had shown that in some cases, breaches did not lead to the imposition of sanctions. Therefore, he proposed introducing a model which would enable the institutions to decide whether to consult the body with regards to individual cases or not.

The **Vice-President of the Commission** replied that the parties needed to work under the current legislation. However, she invited the European Parliament to make a concrete proposal for such a model for the next technical meeting.

The **Member of the Executive Board of the European Central Bank** considered that Parliament's proposal about equipping the body with more competences could be envisaged at a later stage based on experience gained with its functioning. Nevertheless, he considered it to be possible that the institutions could ask for informal opinions of the independent experts, whether this consultation was to be related to a particular case or not. This option could be introduced in the Commission's proposal as a pilot phase on which a future evolution of the body could build. He also added that the experts could play a role in raising awareness, e.g. of how to avoid potential conflicts of interest. Moreover, he proposed that a review clause could be included to allow to reflect upon how to take even more ambitious steps in the future.

The **Member of the European Parliament** added that people with the experience of political mandates were needed. Therefore, in the Parliament's view, the independent experts should be individuals who have served as former members of the European Court of Auditors, the European Court of Justice, the European Ombudsman, or of national authorities.

The **Vice-President of the Commission** stressed the need that all parties should agree on transparency measures for the negotiations. She invited the participants to reflect on the possibility to have a webpage on the EUROPA website, where the Commission's proposal

along with the minutes of the political meetings should be made available and suggested coming back to this issue at the next political meeting on 7 December.