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SECRETARIAT-GENERAL

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

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SG.C.2/AP

Minutes
Fourth Political meeting – EU Ethics Body
30 January 2024

The Vice-President of the Commission welcomed the participants and pointed out that the last technical meetings had successfully identified the five remaining issues requiring a political steer. She acknowledged the significant technical progress, allowing the parties to build on the concrete discussions initiated during the previous political meeting on 7 December 2023. She also stressed the need for the parties to reach an agreement before the upcoming European elections. Finally, she indicated that the meeting's structure would comprise the four points of the agenda that had already been sent to the parties; Approval on the minutes of the political meeting of 7 December 2023; Exchange of views on the progress of the negotiations and on the way forward, including cut-off date; Points of substance to be addressed, as identified at the technical level; Transparency of the negotiations.

1. Approval of the minutes of the political meeting of 7 December 2023

No additional comments were made by the institutions or advisory committees represented at the meeting. The minutes of the political meeting held on 7 December 2023 were therefore considered approved.

2. Exchange of views on the progress of the negotiations and on the way forward, including cut-off date

The Vice-President of the Commission emphasised that the parties had made significant progress in their discussions and that most points of disagreement had been resolved or were in the process of being resolved. Therefore, she expressed optimism regarding reaching an agreement at the next political meeting of 23 January 2024, provided that appropriate compromises be made. To that end, technical discussions shall continue aiming to make the final adjustments needed for the conclusion of a well-balanced draft agreement. Finally, she initiated a first tour de table, inviting the parties to exchange views on the state of the negotiations and on the target date for concluding the agreement.

The representative of the European Council underlined that he was engaging in good faith in discussions but that the European Council had never been part of an IIA, and consensus was required for a final decision to be taken. Hence the final agreement would be subject to the approval of the members of the European Council. Consultations at Sherpa level were ongoing.

All parties expressed their willingness to further discuss the remaining unresolved issues with the aim of reaching an agreement in early March 2024.

The Vice-President of the European Parliament stressed the importance of having the 'enhanced cooperation/opt-in' mechanism in place, emphasising that, if not, the Parliament

would withdraw from the negotiations. She clarified that additional competences could be granted to the Body either through the Annex proposed by the Parliament or by amending the draft agreement's text.

On the other hand, **the representative of the Court of Auditors** stated that the parties should focus on the establishment of a standards-setting body, as initially proposed in the Commission's proposal. He indicated that the Parliament's proposal could be possibly explored in the future, after the conclusion of the draft agreement.

3. Points of substance to be addressed, as identified at the technical level

The Vice-President of the Commission recapitulated the five unresolved points of substance, as identified at the technical level, and briefly presented the Commission's views on them:

1. Status of the representatives of the Parties

The Vice-President of the Commission stated that the Commission supported an appropriate version of the draft agreement that would take into account the observer status of the Court of Justice of the EU as well as the particularities of the members of certain parties. Furthermore, she invited the Council's representatives to come up with alternative ideas to include the rotating Council Presidency members among the persons subject to the body's common ethical standards. To that end, she suggested that unilateral declarations by Member States could be introduced as the means to having ministers subject to the standards, not as Council members but as national ministers acting within the Council in their capacity. She added that the proposed idea would be without prejudice to the compliance with national ethical rules.

The representative of the European Parliament said it was aware of Council's position and referred to the provisions found in the inter-institutional agreement of 20 May 2021 on a mandatory transparency register and would support something similar applying in the case of an inter-institutional agreement on an ethics body.

The parties agreed that the particularities of certain parties and the special status of their members shall be respected.

The representative of the Council, supported by the European Council, stated that it was not possible to find a legal basis to have the members of the rotating Council's Presidency be subject to the standards established by the body.

2. Appointment and mandate of the independent experts

The Vice-President of the Commission described the appointment procedure consisting of seeking, in a transparent manner, the best available high-ranking personalities who could find consensus among the parties to the agreement. Furthermore, she stated that, due to the constraint posed by the upcoming institutional transition due to the next European elections, the Commission could accept that the experts be appointed by the -current or former-members of the existing internal ethical committees of the parties. She also added that, in order to preserve the knowledge and the continuity of the body, the Commission would accept that the first term of office of the three of the five experts be limited to two years, so as to avoid having all the experts simultaneously finish their mandate. Finally, she urged that the term of office of the experts shall be three years, renewable once.

The parties agreed that the appointment procedure shall be laid down in the draft agreement in a clear manner, ensuring transparent conditions.

3. Possible mechanism of ‘enhanced cooperation’/opt-in’

The Vice-President of the Commission reiterated that Commission’s proposal is ambitious, legally sound, politically feasible and meaningful, striving to set up a joint body that would set common minimum ethical standards for all institutions and advisory committees. The Parliament’s proposal alters the nature of the body proposed by the Commission, raising a number of institutional, legal, administrative and budgetary questions. For that reason, she indicated two possible solutions to handle the Parliament’s proposal: a) conferring additional tasks to the body at a later stage, after a full evaluation of its operation. That commitment could be included in a dedicated review clause in the draft agreement; b) deciding to confer limited tasks in relation to individual cases to the experts, solely upon request of an institution with regards to its own members.

The Vice-President of the European Parliament stated that, in regard of the establishment of an opt-in mechanism, the institutions would decide on the consultation and be able to base their decisions on the recommendations made by the experts at their own requests.

Other parties stressed the importance of launching a body operating in full unity, without splitting the parties into two groups; those who would ambitiously opt-in the ‘enhanced cooperation’ mechanism and those who would not. They emphasised that the focus should be on the set-up of a truly interinstitutional body with high standards.

The Vice-President of the Commission stated that consultations on members’ declarations of interests would be an acceptable compromise for the Commission as such declarations exist in all institutions and both committees and are public documents. A technical working group could be mandated to formulate a proposal that could be discussed at the next political meeting of 23 February 2024.

4. Inclusion of staff members of the institutions in the scope of the body

The Vice-President of the Commission clarified that the EU civil service is already subject to the Staff Regulations of Official of the European Union, except for the European Central Bank which has its own staff rules according to the Treaties. Therefore, the Commission considers that staff should not be in the scope of the body. However, the Commission could accept the inclusion of a recital in the draft agreement highlighting the importance of the ethical rules for staff.

The parties agreed that negotiations at technical level should seek a compromise along these lines.

5. Cost sharing policy between the parties

The Vice-President of the Commission stated that the Commission was ready to consider that the contributions of each party could be calculated in proportion to the size of their respective administrative budget. That option would significantly increase the Commission’s contribution from 11% to 45%, underlining the Commission’s willingness and effort to facilitate the ongoing negotiations.

The proposed proportionate cost sharing system was generally welcomed by the parties.

Notwithstanding the position expressed at the start of the meeting, **the European Council representative** highlighted that it would need to consult further on this.

4. Transparency of the negotiations

The Vice-President of the Commission presented the draft version of the dedicated webpage on the Europa website, comprising three sections: The Commission's proposal; The -validated- minutes of the political meetings; The calendar of the political meetings. She announced that the webpage could be made available online in the upcoming days.

The parties agreed that the technical level should finalise the webpage.

6. Concluding Remarks

The Vice-President of the Commission ended the meeting and stated that the parties' commitment and work would make a swift compromise possible. To that end, she proposed that the technical group be mandated to continue the discussions on the points raised during the meeting. She announced that the next technical meetings would take place on 2, 9 and 20 February 2024, subject to changes agreed at technical level. Finally, she expressed optimism that an agreement could be achieved at the next political meeting on Friday, 23 February 2024.