Strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body

2020/2133(INI) - 16/09/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 377 votes to 87, with 224 abstentions, a resolution on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body.

Parliament proposed the conclusion of an **interinstitutional agreement** based on Article 295 TFEU to set up an independent EU ethics body for Parliament and the Commission, open to participation of all EU institutions, bodies, offices and agencies.

Principles, scope and mandate

In carrying out its duties, including monitoring and investigation, the body should rely on the existing powers of the institutions to request information from their members or on the authorisation of national authorities to share information. The procedure followed by the European body should ensure an **appropriate level of transparency while preserving the procedural guarantees** laid down in the Charter of Fundamental Rights of the European Union.

The new body should be delegated a list of agreed tasks and advise on ethical rules for Commission, Members of the European Parliament and staff of the participating institutions before, during and, in certain cases, after their term of office or service in accordance with the applicable rules.

Composition

In order to ensure the effectiveness and integrity of this new body, Parliament proposes that it should consist of **nine independent members**, namely three selected by the Commission, three elected by Parliament and three assigned de jure from among former judges of the Court of Justice, the Court of Auditors and former European Ombudsmen.

The members of the body should be chosen on the basis of their competence, experience and professional qualities, as well as their personal integrity, have irreproachable ethical behaviour and provide a declaration of absence of conflicts of interest. The body could elect a chair and two vice-chairs from among its members. The composition of the body should be gender balanced.

The body would be assisted by a **secretariat** with human and financial resources commensurate with its tasks.

Competences and powers

All participating institutions should give the European ethics body a **preventive role** through awareness-raising and ethical guidance, as well as a **compliance monitoring and advisory role with the power to issue recommendations** on ethics, including on conflicts of interest.

Members considered that this monitoring capacity should include, inter alia, the possibility to check the veracity of the declaration of financial interests, which should be forwarded directly to the EU ethics body by the persons reporting to it, as well as to Parliament in the case of Commissioners-designate.

The independent European ethics body should:

- have the right to start an investigation on its own initiative and to conduct on-the-spot and record-based investigations based on information it has collected or received from third parties, e.g. journalists, media, NGOs, whistleblowers, civil society or the European Ombudsman;

- **protecting whistleblowers**, in particular EU officials, so that they can raise concerns about possible breaches of the rules without fear of reprisals;

- **advising** Members of the European Parliament or Members of the Commission when they seek advice on ethical issues;

- **have appropriate investigative powers**, as well as the power to request and have access to administrative documents, to enable it to make well-reasoned and documented assessments.

Procedures

In order to contribute to the creation of an institutional culture based fundamentally on prevention, support and transparency, Parliament proposed that the independent European ethics body should apply a **two-step approach** in the event of a breach or possible breach of the rules.

Thus, in the event that the body becomes aware of a breach or possible breach of the ethical rules, it could first recommend measures to stop the breach. In this first preventive step, confidentiality and the right of the person to be heard should be ensured.

In the event that the person concerned refuses to take appropriate action and the breach persists, the body would make a reasoned recommendation for sanctions and transmit all relevant information on the case to the competent authority, which would decide on the follow-up to the recommendation within 20 working days.

After this period, the reasoned recommendation of the independent ethics body should be made public together with the decision of the competent authority, which should provide an explanation if the recommendations are not fully followed.

Parliament recommended that any intentional breach, gross negligence, concealment of evidence, non-compliance or lack of cooperation should be considered as an aggravating circumstance for recommendations for sanctions, even when the breach itself has ceased.