



TEXTS ADOPTED

P9_TA(2021)0396

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

European Parliament resolution of 16 September 2021 on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body (2020/2133(INI))

The European Parliament,

- having regard to the political guidelines for the next European Commission 2019-2024, presented on 10 September 2019,
- having regard to the mission letter of 1 December 2019 of the President of the Commission to Věra Jourová, Vice-President-designate for Values and Transparency,
- having regard to its resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions¹,
- having regard to its resolution of 26 November 2020 on stocktaking of European elections²,
- having regard to the Treaty on European Union (TEU), in particular Articles 9 and 10, 13, 14, 15, 16 and 17 thereof,
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 223(2), 245 and 295 thereof,
- having regard to the Act concerning the election of the members of the European Parliament by direct universal suffrage ('the Electoral Act') annexed to the Council decision of 20 September 1976 as amended,
- having regard to the draft interinstitutional agreement between the European Parliament, the Council of the European Union and the European Commission on a mandatory Transparency Register,
- having regard to Special Report No 13/2019 of the European Court of Auditors on the ethical frameworks of the audited EU institutions,

¹ OJ C 337, 20.9.2018, p. 120.

² Texts adopted, P9_TA(2020)0327.

- having regard to the Council conclusions on the European Court of Auditors’ Special Report No 13/2019,
 - having regard to its decision of 28 September 2005 adopting the Statute for Members of the European Parliament (2005/684/EC, Euratom)¹,
 - having regard to the European Parliament’s Rules of Procedure, in particular Rules 2, 10 and 11, 176(1), Annex I, Articles 1 to 3, 4(6), 5 and 6 and Annex II,
 - having regard to the annual reports of the Advisory Committee on the Conduct of Members,
 - having regard to the annual reports on the application of the Code of Conduct for the Members of the European Commission, including the opinions of the Independent Ethical Committee,
 - having regard to the recommendations of the European Ombudsman in the joint inquiry into complaints 194/2017/EA, 334/2017/EA and 543/2017/EA on the European Commission’s handling of the post-mandate employment of former Commissioners, a former Commission President and the role of its ‘Ethics Committee’,
 - having regard to the recommendations of the Organisation for Economic Co-operation and Development (OECD), the Council of Europe’s Group of States against Corruption (GRECO), and various NGOs,
 - having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, and in particular Articles 11, 11(a), 12, 12(a), 12(b), 13, 15, 16, 17, 19, 21(a), 22(a), 22(c), 24, 27 and 40 thereof,
 - having regard to the powers and responsibilities of the Committee on Legal Affairs of the European Parliament, as set out in Annex VI to its Rules of Procedure,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Legal Affairs, the Committee on Budgetary Control, the Committee on Economic and Monetary Affairs and the Committee on Petitions,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0260/2021),
- A. whereas the TEU stipulates that ‘the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies and agencies’; whereas this implies that public decisions are taken in the interest of the common good;
- B. whereas the Treaties have established a system of division of powers among the institutions of the Union that assigns each institution its own role within the institutional structure of the Union and in the performance of the tasks entrusted to it;

¹ OJ L 262, 7.10.2005, p. 1.

- C. whereas, while each EU institution has a right to organisational sovereignty, all EU institutions have to meet the highest standards of independence and impartiality;
- D. 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;
- E. whereas the independence, transparency and accountability of public institutions and their elected representatives, Commissioners and officials are of the utmost importance for promoting the trust of citizens, which is necessary for the legitimate functioning of democratic institutions;
- F. whereas the ethical standards applicable to the EU institutions are in many respects ahead of those applicable to their national equivalents but they have not been enforced in a satisfactory manner;
- G. whereas the enforcement of the ethical framework could be improved;
- H. whereas citizens' trust in public institutions and decision-making processes is a pillar of any democratic government and requires exemplarity, integrity, transparency, accountability and the highest standards of ethical behaviour;
- I. whereas the absence of undue influence from interest representatives, including through the provision of paid activities for Members of the European Parliament, gifts or travel invitations, the creation of expectations for future employment following the end of a Member's mandate or an official's termination of service, and undue use of information or contacts is key to ensure that democratic processes are not captured by private interests and that citizens rights are fully respected;
- J. whereas the shortcomings of the current EU ethical framework derive largely from the fact that it relies on a self-regulatory approach, the absence of EU criminal law and insufficient resources and competences to verify information; whereas any evolution of the EU ethical framework must have a clear legal basis while respecting the separation of powers as laid down in the Treaties; whereas the creation of an independent ethics body could contribute to strengthening trust in the EU institutions and their democratic legitimacy;
- K. whereas, as a consequence, cases of problematic conduct have occurred; whereas every incidence of unethical behaviour and their inadequate handling by the EU institutions endangers the trust which European citizens place in the EU institutions and have severely contributed to damaging the reputation of the European Union;
- L. whereas the 'revolving door' phenomenon in particular is very much on the rise; whereas many Commissioners and a third of those who were Members of the European Parliament from 2014 to 2019 have been recruited by organisations entered in the European Transparency Register; whereas this entails risks of conflict of interest with the legitimate areas of competence of the Member States and the EU institutions and of confidential information being disclosed or misused, as well as risks that former staff members may use their close personal contacts and friendships with ex-colleagues for lobbying purposes;
- M. whereas current ethical standard frameworks at EU level are tailored to the specificities of each EU institution, leading to different processes and levels of enforcement even of

the same EU Staff Regulations in different EU institutions, agencies and bodies, thus creating a complex system which is difficult for both EU citizens and for those who have to respect the rules to understand;

- N. whereas the European Court of Auditors recommended, in its Special Report No 13/2019, that in many areas there are good reasons to have harmonised approaches to handling ethical issues within the EU institutions; whereas the European Ombudsman and the European Court of Auditors warned repeatedly about major failures in the EU institutions' prevention of conflict of interest policies; whereas both the Ombudsman and the Court of Auditors expressed specific concerns about the absence of a common EU ethical framework with clear procedures and reporting channels; whereas this problem concerns in particular the work of Member State representatives in the Council, which needs to address high-level conflicts of interest, revolving doors and transparency rules; whereas the EU ethical rules are not aligned with the OECD Guidelines for Managing Conflict of Interest in the Public Service;
- O. whereas the example of the 'Haute Autorité pour la Transparence de la Vie Publique' in France demonstrates that a single and independent body responsible for the monitoring, enforcement and sanctioning of ethical rules applicable to public bodies is an effective and powerful tool able to achieve a long-lasting reduction in unethical behaviour;
- P. whereas the balance of powers assigned to the institutions is a fundamental guarantee afforded by the Treaties to EU citizens;
- Q. whereas the Meroni doctrine developed by the Court of Justice of the European Union (CJEU) allows for the delegation of EU institutions' competences to external bodies, including competences that are not yet exercised; whereas according to the CJEU, any delegation of competences must be limited and can only relate to clearly defined powers, the use of which must be entirely subject to the supervision of the delegating institutions and cannot concern discretionary powers involving any political judgement in order not to jeopardise the balance of powers between the institutions;
- R. whereas according to the principle of conferral, institutions cannot delegate by means of an interinstitutional agreement powers which they themselves do not have, for instance where such powers are conferred by the Treaties on the Court of Auditors or have remained with the Member States;
- S. whereas in their examination of potential conflicts of interest of Commissioner-designates in 2019, the members of the Committee on Legal Affairs highlighted the profound limitations of the current procedure; whereas these limitations include access to only a limited range of information, the lack of time for examination, the absence of investigative powers and the absence of support from experts; whereas Article 17(3) TEU provides that the members of the European Commission are to be chosen 'from persons whose independence is beyond doubt';
- T. whereas the existing strict ethical framework for Commissioners needs to be further developed in order to close existing legislative gaps such as the non-existence of a Commissioners statute; underlines that this process is closely linked with parliamentary scrutiny and oversight and is of the opinion that a Commissioners statute needs to be drawn up in accordance with the ordinary legislative procedure and calls on the Commission to present a proposal;

- U. whereas all lead candidates in the 2019 European elections supported the creation of an independent ethics body common to all EU institutions; whereas the President of the Commission supported it in her political guidelines;
- V. whereas the freedom of mandate of the Members of the European Parliament is in the interest of the citizens they represent;
- W. whereas one of Parliament's primary functions as laid down in the TEU is to exercise political control;
- X. whereas staff in the institutions are covered by the EU Staff Regulations of Officials of the European Union and Conditions of Employment of Other Servants of the European Union;
- 1. Believes that a single independent EU ethics body could better ensure the consistent and full implementation of ethics standards across the EU institutions to guarantee that public decisions are taken with a view to the common good and citizens' trust in the EU institutions; proposes the conclusion of an interinstitutional agreement (IIA) based on Article 295 TFEU to set up an independent EU ethics body for Parliament and the Commission and open to the participation of all EU institutions, agencies and bodies, and that this body also provide the participating institutions, agencies and bodies with training and active guidance;

Principles

- 2. Considers that the provisions of this IIA must respect the following provisions and principles:
 - (a) the principle of sound financial management, ensuring the efficient and effective management of Union resources,
 - (b) the principles of conferral and separation of powers,
 - (c) the freedom to choose an occupation and the right to engage in work as stipulated by Article 15 of the Charter of Fundamental Rights of the European Union,
 - (d) rule of law and fundamental European principles such as the presumption of innocence, the right to be heard, and the principles of legality and proportionality,
 - (e) the Statute of Members and notably the freedom of mandate enshrined in Article 2 thereof,
 - (f) no duplication or interference with the work of the European Anti-Fraud Office (OLAF), the European Public Prosecutor's Office (EPPO), the European Ombudsman, the European Court of Auditors or the CJEU,
 - (g) the European Parliament's right of inquiry as enshrined in Article 226 TFEU;
- 3. Believes that in the scope of its duties, including regarding monitoring and investigating, the body should rely on the existing powers of institutions to ask their members for information or on the agreement of national authorities to share information; underlines that Parliament's President, the Commission's College or the

respective authority of a participating institution will remain in charge of the final decision-making power until a possible revision of the rules;

4. Considers that the procedure followed by the independent EU ethics body should ensure the appropriate level of transparency while protecting procedural guarantees as stipulated in the European Charter of Fundamental Rights, and that the IIA should include procedural rules and an adequate data protection protocol, referring to the existing *acquis* of principles of the existing EU ethics bodies, as well as to the EU's common values (Article 2 TEU), the rights of the concerned individual to be heard and to appeal, the obligation to collaborate, and publication requirements;

Scope and mandate

5. Considers that the new EU ethics body should be delegated a list of agreed tasks to propose and advise on ethical rules for Commissioners, Members of the European Parliament and staff of the participating institutions before, during and in some cases after their term of office or service in line with the applicable rules, including:
 - (a) the Statute for Members of the European Parliament (Articles 2 and 3),
 - (b) Parliament's Rules of Procedure (Rules 2, 10 (5, 6 and 7) and 11, 176(1), Annex I (Articles 1 to 8), and Annex II),
 - (c) the Commission's Rules of Procedure (Article 9), its Code of Conduct (Articles 2 to 13 and Annex II), and its Decision of 25 November 2014 on the publication of information on meetings held between members of the Commission and organisations or self-employed individuals, and the same decision for its Directors-General,
 - (d) the Staff Regulations' Articles 11, 11(a), 12, 12(a), 12(b), 13, 15, 16, 17, 19, 21(a), 22, 22(a), 22(c), 24, 26, 27, 40, 43, 86, 90, 91a and Annex IX, applying *mutatis mutandis* to all staff employed by the agencies if signatories of the IIA,
 - (e) the IIA on a mandatory Transparency Register;
6. Believes that the members and staff of the participating institutions should be covered by the agreement before, during and after the term of office or service in line with the applicable rules; considers that this should apply to Members of the European Parliament, Commissioners and all EU staff falling under the scope of the Staff Regulations;
7. Recalls that with regard to individuals covered by the Staff Regulations, the competence could be delegated to the independent EU ethics body by making use of the enabling clauses in Articles 2(2) or 9(1), or both, and would concern the monitoring and enforcement of the ethical obligations while other professional obligations would continue to be enforced by the appointing authorities;
8. Insists that the IIA should be open to the participation of all EU institutions and bodies; and points out that the co-legislators may decide to bind agencies through their founding regulations; believes that the IIA should allow the ethics body to exchange information with national authorities where necessary for the performance of its tasks, while treating such information with the same confidentiality as the originating authority, for example

tax information, land registers and data held by national ethics bodies, and to explore best practices and peer reviews; considers that, without prejudice to the general principles set out in paragraph 2, and where it is relevant for the performance of its duties, the independent ethics body should have the possibility to engage in cooperation and information exchange with relevant EU bodies such as OLAF, EPPO, the Ombudsman and the European Court of Auditors, within their respective mandates;

Competences and powers

9. Considers that, without prejudice to the balance between the institutions as established by the Treaties, all the participating institutions should entrust, within the framework of their respective procedural autonomy, the EU ethics body with, on the one hand, a preventive role via awareness-raising and ethical guidance, and, on the other hand, a compliance and advisory role with the ability to issue recommendations on ethical matters, including conflicts of interest; considers that the decision-making powers should remain within the respective institution until the EU ethics body is entrusted with decision-making powers on a proper legal basis; recalls that the tasks of the EU ethics body would be limited to the agreed list of tasks delegated by the participating institutions and would therefore be without prejudice to and in full respect of the competences of OLAF, EPPO and national jurisdictions related to any breach of laws falling under their competences; stresses that in order to monitor integrity, Parliament should regularly commission studies that define integrity with a set of well-defined objectives and performance indicators and report on the progress made;
10. Considers that this monitoring capacity should include, among other aspects, the possibility to check the veracity of the declaration of financial interests, which should be submitted by covered individuals directly to the EU ethics body, in addition to Parliament with respect to Commissioners-designate, to ensure that they arrive the fastest way possible to all those responsible for democratic and/or public scrutiny as stipulated by the applicable rules, the handling of conflicts of interest, rules related to lobbying activities, checks on transparency obligations, including in the legislative procedure, and the verification of compliance with revolving door rules and more generally verification of compliance with all provisions of codes of conduct and applicable rules on transparency, ethics and integrity;
11. Notes that within the EU institutions different legislative and other provisions aimed at preventing conflicts of interest contain varying definitions of the term ‘conflict of interest’; notes that a definition has a contextual and an evolving nature and that full transparency does not necessarily guarantee the absence of any conflict of interest, nor does it guarantee that public trust will be won or increased; notes that the enforcement of ethical rules and public accountability for conflicts of interest are a precondition for citizens’ trust in public institutions;
12. Recalls the importance of distinguishing between a conflict of interest arising during the exercise of a function and one arising after, and between acts that authorised if declared and acts that are not authorised at all;
13. Points out that the European Parliament established the Advisory Committee on the Conduct of Members as the body responsible for giving Members guidance on the interpretation and implementation of the Code of Conduct; notes further that the Advisory Committee also assesses alleged breaches of the Code of Conduct and advises

the President on possible action to be taken; considers that the European Parliament should lead by example with regard to rules on ethics and their enforcement;

14. Takes the view that the EU ethics body could also be given authority over the obligations imposed by the Transparency Register, and should envisage a better protection of whistleblowers and better management of conflicts of interest in the case of corruption and fraud cases;
15. Considers that the EU ethics body should be given the task of developing an EU public portal with relevant information on ethical rules, reports on best practices, studies, and statistics, as well as a database containing the declarations of financial interests of all the participating institutions;
16. Insists that the independent EU ethics body should have the right to start an investigation on its own initiative and to conduct on-the-spot and records-based investigations based on the information it has collected or that it has received from third parties, such as journalists, the media, NGOs, whistleblowers, civil society or the European Ombudsman; insists that any third party referring in good faith a matter to the independent ethics body must be protected and their identity kept anonymous; considers that when it starts an investigation on its own initiative the body must notify, by confidential message, the person concerned and the authority responsible for applying sanctions in the respective institutions; believes that in such a case, the respective authority of this institution, agency or body can demand that an explanation be provided by the body;
17. Stresses that requesting tax documents and bank records are interventions in private law, for which there must be serious allegations that fall within the competence of OLAF;
18. Stresses the need for the body to protect whistleblowers, in particular European public officials, so that they can express their concerns about possible violations of rules without fear of reprisals; suggests, in this connection, that the body should supervise the internal and confidential complaint mechanisms under the Staff Regulations of Officials of the European Union and Conditions of Employment of Other Servants; stresses that only a safe and protective working environment will enable public officials to express their concerns and thereby help to make the work of the independent ethics body effective;
19. Believes that in order to be fully effective, the body would merge the functions of existing organs responsible for ethics; considers that the body should advise Members of the European Parliament or Commissioners when they ask for guidance on ethical issues; considers that the body should issue recommendations for sanctions to the Appointing Authority in dealing with ethical obligations for staff, and that in relation to Members of the European Parliament or Commissioners, the body should issue recommendations to the responsible authorities of the respective participating institutions; recommends that the ethics body issue recommendations that can serve as precedents in identical or similar cases; considers that this will ensure efficiency, consistency and predictably and significantly reduce the workload, especially for staff matters in the event of numerous similar cases;

20. Considers that the EU ethics body should promote integrity and be entrusted with advisory tasks in order to provide reliable and trustworthy advice to any individual and/or institution covered by its scope who wishes to request interpretation of an ethical standard in relation to appropriate conduct in a specific case; considers that, in order to ensure consistent application of the ethical standards and predictability, advice should be binding for the independent EU ethics body in its position on the same matter;
21. Recalls that the confirmation by the Committee on Legal Affairs of the absence of any conflict of interest is an essential precondition for the appointment of Commissioners-designate and that the Committee on Legal Affairs possesses clear powers to reject Commissioners-designate if a conflict of interest has been established;
22. Recalls that Parliament may withdraw confidence in an individual Member of the Commission, after which the President of the Commission must either require the resignation of that Member or explain their refusal to do so before Parliament in the following part-session, in line with point 5 of the Interinstitutional Agreement of 20 November 2010;
23. Is of the opinion that the examination of the declarations submitted by Commissioners-designate with a view to inferring a conflict of interest is of fundamental institutional and democratic importance and should be undertaken with the utmost attention, commitment and sense of responsibility, by means of a fully objective, democratic and independent interpretation; believes that the rules on the examination of potential conflicts of interest should also apply to the declaration of the President-elect of the European Commission;
24. Underlines that the decision on conflicts of interest of Commissioners-designate prior to hearings remains a democratic and institutional competence of Parliament's Committee on Legal Affairs; stresses in this regard that the future independent EU ethics body should be given appropriate investigative powers, as well as the power to request and have access to administrative documents, in order to allow it to carry out well-reasoned and well-documented assessments; stresses the need for full compliance with the rules on confidentiality, privacy and personal data protection in verifying the implications of a conflict of interest; is of the opinion that the Committee on Legal Affairs should be given more time and that, while fully keeping its competence on the matter, the Committee on Legal Affairs should decide on the existence of a conflict of interest of Commissioners-designate after having received non-binding, precise and reasoned recommendations by the independent EU ethics body, which would have the effect of strengthening its action; considers that the Committee on Legal Affairs should ultimately hold a debate on the recommendations issued by the independent EU ethics body; considers that the recommendations should be published along with the declarations of financial interests of Commissioners-designate; considers that, beyond the scrutiny of the declarations of Commissioners-designate by the Committee on Legal Affairs, the examination of conflicts of interest should be carried out, in general, prior to, during and after public office or employment, for all Union institutions, bodies, offices, and agencies; further believes that it should be provided with sufficient resources, tools and skills to cross-check and locate necessary information, as well as to ask for complementary information where necessary;

Composition

25. Believes that the ethics body should be composed of nine members, three selected by the Commission, three elected by Parliament, and three assigned de jure from among the former judges of the CJEU, the Court of Auditors and former EU Ombudsmen; believes that where staff matters are concerned, staff representatives from the institution of the person concerned should be included; points out that Annex II to the Staff Regulations should be amended accordingly;
26. Considers that its 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 of the absence of conflicts of interest; is of the opinion that the composition of the body should be gender-balanced; underlines that all members must be independent in the performance of their duties; considers that the members should be chosen for a period of six years and be renewed by a third every two years;
27. Calls for an ethics officer to take charge of the verification of candidates' declarations; considers that the members should work in a spirit of collaboration and consistency in their analyses and recommendations; calls for a guarantee of gender balance in the composition of the body;
28. Considers that the composition of the ethics body should be accompanied by a framework for the exercise of the mandate, as well as a procedure to end the mandate;
29. Suggests, in order to ensure broad support, that Parliament elect the members of the body with the support of a large majority, possibly similar to the procedure for members of the Authority for European Political Parties and European Political Foundations or decisions regarding the Sakharov Prize;
30. Suggests that each institution choose these members in particular from among former judges of the CJEU, former presidents of OLAF and the Court of Auditors, former or current members of the highest courts of Member States, former Members of the European Parliament, former staff of the participating institutions and bodies, former EU Ombudsmen, and members of the ethics authorities in Member States; suggests further that the body elect a President and two Vice-Presidents from among its members; stresses that this is without prejudice to the right of staff to self-organise their representatives when staff matters are concerned;
31. Stresses the need to ensure diversity in the members' backgrounds and independent expertise; suggests limiting the participation of former MEPs and Commissioners to a third of the composition of the body;
32. Recommends that the college be supported by a secretariat with the human, material and financial resources commensurate with its mandate and tasks, including an ethics officer, responsible for ethical training and offering advice within the independent EU ethics body; considers that the pooling of budgets and personnel currently allocated to the various EU ethics bodies when merging them would improve efficiency in the use of resources and might reduce costs;

Procedures

33. Believes that the creation of an EU ethics body should contribute to building an institutional culture fundamentally based on prevention, support and transparency; proposes, to this end, a two-step approach whereby, in the event that the EU ethics body becomes aware of a breach or possible breach of ethical rules, it first recommends, by a deadline, actions to put an end to the breach; considers that this first preventive step should ensure confidentiality and secrecy and the right of the person to be heard and to refute the accusations; suggests that in the event that the individual concerned refuses to take the appropriate actions and the breach persists, the EU ethics body should make a reasoned recommendation for sanctions measures and transmit all relevant information about the case to the competent authority, which will decide how to follow-up on the recommendation within 20 working days;
34. Believes that at the end of this period the reasoned recommendation of the independent ethics body, without prejudice to the General Data Protection Regulation and personal rights, should be made public, together with the decision of the competent authority who should provide an explanation if the recommendations are not fully followed; considers as a first measure that the publication or forwarding of recommendations and decisions could constitute a sanction in itself; stresses that such a body cannot replace the CJEU; suggest that, in exceptional cases, when the competent authority duly justifies that more time is needed to investigate the case, it can ask the ethics body to extend its deadline for making a decision by up to 20 working days; considers that this two-step approach should apply whenever the individual had reasonable grounds to believe that the information was true at the time of disclosure, and recommends that any intentional breach, gross negligence, concealment of evidence, non-compliance or non-cooperation should be considered aggravating factors with respect to recommendations for sanctions, even when the breach itself has ceased;
35. Calls for clear provisions giving the person concerned a right of appeal against any such decision taken by the President in full respect of the basic principles of rule of law;
36. Believes that as a general rule, the EU ethics body should decide by a simple majority of its members;
37. Insists that the procedures laid down in the Treaties must be applied, such as the transfer of investigations by the European Court of Auditors to OLAF and to the CJEU;

General provisions

38. Believes that the EU ethics body should conduct studies and compile annual statistics on financial interest declarations, revolving door cases and other relevant information and should publish an annual report containing information about the fulfilment of its tasks and, where appropriate, recommendations for improving ethical standards, which is to be presented to Parliament; recommends that the annual report include the number of cases that were investigated, the institutions the individuals were coming from, the type of breaches concerned, the time the procedures took, the timeframe in which the breach was ended, the proportion of sanctions decided and the recommendations;
39. Believes that a review clause should be included in the IIA ensuring that two years after its establishment, at the latest, participating institutions are able to adopt an assessment of its activities, including an analysis of the functioning of the rules and procedures and the experience acquired in applying them; stresses, in particular, that this review clause

should focus on the assessment of the effectiveness of the implementation of the mandate of the EU ethics body, and that Parliament's assessment should take into account input from the ethics body itself;

40. Considers that the new EU ethics body should have competence to contribute by way of proposals to the development and periodic update of a common ethical framework for the EU institutions, including common rules and a common model for declarations of financial interests in a machine-readable format and a proposal to amend its competences and to present it to the European Parliament; considers that the ethical standards of all the institutions, agencies and bodies should be harmonised as soon as possible; is of the opinion that a Commissioners statute needs to be drawn up in accordance with the ordinary legislative procedure;
41. Suggests that the independent ethics body should work on establishing a common definition of conflict of interest for the EU institutions on the basis of the highest standards; stresses that many Member States have demanding rules; notes the OECD definition of conflict of interest: 'when an individual or a corporation (either private or governmental) is in a position to exploit his or their own profession or official capacity in some way for personal or corporate benefit';
42. Calls for full transparency regarding all meetings organised by and involving the ethics body with private actors and their representatives, including both for-profit and non-profit organisations;
43. Insists that, without prejudice to Parliament's competences referred to in paragraph 24, the recommendations of the EU ethics body should be properly justified, well documented and available for the member or member of staff and the institution concerned; believes that the participating institutions should commit to fully cooperate in all procedures falling under the scope of the agreed IIA, and in particular to communicate to the independent EU ethics body all information and documents necessary for the proper scrutiny of ethical rules; points out that the activities of the ethics body would be subject to possible complaints to the EU Ombudsman, and that the participating institutions' decisions based on the recommendations would continue to be reviewable before the CJEU;
44. Believes that the improvement of integrity, transparency and accountability as well as the highest standards of ethical behaviour in the EU institutions and EU decision-making processes should be part of the topics discussed in the framework of the Conference on the Future of Europe; stresses that this is an opportunity for EU citizens to debate Treaty revision and that this would ensure a clear legal basis to introduce such an independent EU ethics body for all institutions through the ordinary legislative procedure;
45. Calls for the independent ethics body to lead by example on transparency by publishing all recommendations, annual reports, decisions and spending in a machine-readable open data format available to all citizens, and in accordance with the applicable data protection rules; strongly recommends that any software developed for upholding the ethical standards in EU public administration should be made available under a free and open-source software licence and should be shared with any institution in Europe wishing to use it; calls for close cooperation with the European Data Protection Supervisor in this regard;

46. Calls on the Member States to ensure that criminal cases related to breaches of integrity rules, especially those involving Members of the European Parliament and national politicians playing a role in EU policy-making, are dealt with in an efficient manner and without undue delay;
47. Regrets, with concern, that there has been a lack of consideration of prevention and enforcement measures to avoid conflicts of interest in the Commission's procedure on public tenders;
48. Notes that the application of the existing rules to Commissioners, Members of the European Parliament and EU officials has shown too many weaknesses; recalls that, according to a report by Transparency International EU, in early 2017, more than 50 % of former Commissioners and 30 % of former Members of the European Parliament who had left politics were working for organisations registered in the EU Transparency Register; stresses, in particular for elected Members, the need for transparency and accountability on personal and financial commitments; underlines that transparency and integrity issues at EU and national level are strongly interlinked; supports, therefore, the work of the Council of Europe's Group of States against Corruption (GRECO), and calls on the Member States to implement its recommendations, specifically those regarding the creation of a strict code of conduct for national politicians and the introduction of rules for post-public employment;
49. Calls for a strengthening of the existing regulatory and enforcement framework for both pre-public and post-public employment conflicts of interest, in order to establish appropriate, clear, binding and proportionate boundaries between the public sector and the private and non-profit sectors and thus to improve the credibility of EU decision-making in the eyes of the wider public;
50. Highlights that post-public employment and revolving door conflict of interest situations are recurring concerns of a systematic nature and a problem common to institutions, bodies, offices and agencies across the EU; recommends the adoption of harmonised and adequate cooling-off periods by all EU institutions and that their enforcement be strengthened; considers that conflict of interest situations could jeopardise the integrity of the EU institutions and agencies, thereby damaging citizens' trust in them; underlines the need to align and enforce the relevant EU legislation and codes of conduct, including with a view to requiring full transparency on the employment or projects taken up by high-ranking EU officials after leaving public office and on any side activities carried out by Members of the European Parliament; is of the opinion that the rules with regard to the prevention of conflicts of interest after public office or employment should be applicable within a reasonable time frame while respecting rules on appropriate compensation; stresses the need to learn from best practices in Member States which already have national ethical authorities with relevant expertise in place; underlines that different national practices exist in relation to the enforcement of ethical standards; notes that in some Member States elected representatives are required to refrain from voting on issues in which they have a personal interest and accordingly asks MEPs to refrain from being rapporteurs in similar cases; recalls, in this context, the provisions laid down in Articles 2 and 3 in the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest;

51. Underlines that the European Ombudsman has been handling conflicts of interest complaints in the absence of a mechanism dedicated to this task on top of her other missions, and without having the proper means and power to enforce her decisions;
52. Stresses that an independent EU ethics body will not be sufficient in itself to efficiently address conflict of interest situations within the EU institutions and agencies; considers that the review of the EU ethics and integrity rules could include measures such as extending notification and cooling-off periods for senior officials on a proportionate case-by-case basis, while ensuring equal treatment in line with Article 15 of the Charter of Fundamental Rights of the European Union, the strengthening of Directive 2014/24/EU¹ on public procurement, mandatory divestment of interests in undertakings that are subject to the authority of the institution to which an official has been newly appointed or which have dealings with that institution, mandatory recusal when dealing with matters that affect a former private sector employer, or bans on individual stock ownership by Commissioners and senior officials of EU institutions and agencies while in office; reiterates its call on the Commission to consider proposing a review of the relevant legal framework;
53. Is of the view that, if based on an objective procedure with clear criteria, longer ‘cooling-off’ periods for senior officials who leave an agency or institution are justified legal measures to protect the public interest and the integrity of public bodies;
54. Expresses its concerns about the appointment procedures for senior EU officials, the handling of Commissioners’ conflicts of interest and breaches of the Code of Conduct for Members of the European Parliament, and about checks on transparency obligations and the verification of compliance with revolving door rules;
55. Considers that the EU institutions should apply the highest ethical standards to prevent any cases of revolving doors or conflicts of interest, including with regard to the appointments to senior positions in the EU institutions and agencies;
56. Considers that the procedures for selecting candidates for senior positions should be carried out on the basis of fully objective criteria and be fully transparent for the general public; highlights that there should be a framework in place for questions and objections, along with open follow-up procedures and the power to cancel decisions that are proven to be of inadequate transparency and integrity; stresses that the procedures should be regularly evaluated in order to monitor their effectiveness and apply improvements where necessary;
57. Stresses that Parliament must play a key role in the process of enhancing the current EU ethics oversight system applicable across all EU institutions, agencies and bodies, in order to increase public trust in the EU decision-making processes;

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58. Instructs its President to forward this resolution to the Council and the Commission.

¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

