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DRAFT REPORT

on the conclusion of an Agreement between the European Parliament, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union
(2024/2008(ACI))

Committee on Constitutional Affairs

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PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on the conclusion of an Agreement between the European Parliament, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union (2024/2008(ACI))

The European Parliament,

- having regard to the Conference of Presidents' decisions of 14 and 19 March 2024, endorsing the draft interinstitutional Agreement establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union,
- having regard to the draft Agreement between the European Parliament, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union (the 'Agreement'),
- having regard to Article 13 of the Treaty on European Union,
- having regard to Article 232 of the Treaty on the Functioning of the European Union,
- having regard to the communication from the Commission of 8 June 2023 on a proposal for an interinstitutional ethics body and the annexes thereto¹,
- 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 body²,
- 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 institutions,
- 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 institutions,
- having regard to its resolution of 12 July 2023 on the establishment of the EU ethics

¹ COM(2023)311.

² OJ C 117, 11.3.2022, p. 159.

³ OJ C 283, 11.8.2023, p. 31.

body⁴,

- having regard to Rule 148(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A90000/2024),
- A. whereas the independence, transparency and accountability of EU institutions are of the utmost importance for their democratic legitimacy and for fostering citizens' trust,
 - B. whereas there is a need to address the shortcomings stemming from the current ethics framework, which is fragmented across the EU institutions, bodies, offices and agencies, with different rules, procedures and levels of enforcement;
 - C. whereas Parliament proposed, in its resolution of 16 September 2021, and reiterated, in its subsequent resolutions of 16 February 2023 and 12 July 2023, to set up an ambitious, genuine and independent ethics body;
 - D. whereas the Commission presented its proposal for the establishment of an interinstitutional ethics body on 8 June 2023, putting forward a standard-setting body mainly lacking capacity to examine individual cases and potential breaches of ethical rules;
 - E. whereas Parliament's resolutions of 16 February 2023 and 12 July 2023 on the establishment of an independent EU ethics body served as the Parliament's negotiating mandate;
 - F. whereas an interinstitutional ethics body will contribute to strengthening trust in Union institutions and their democratic legitimacy, as well as to building an institutional culture based on the highest ethical standards;
 - G. whereas Parliament's current ethical rules in its Rules of procedure provide for many standardised written declarations including declarations of private interests, declarations of assets, declarations on awareness of conflict of interests for office holders, rapporteurs, shadow-rapporteurs and participants in an official delegation or interinstitutional negotiations, declarations of scheduled meetings with interest representatives, also when delegated to their assistants, declarations of input by the rapporteurs on their files, declarations of attendance at events organised by third parties, declarations of gifts and declarations of intergroups or informal groupings on external financial support;
1. Welcomes the Agreement allowing for strong common ethical standards and for individual cases to be examined by the independent experts at the request of an institution or an advisory body that is a party to the Agreement regarding any declaration of their Members;
 2. Underlines the fact that the final decision-making power on implementation remains with the relevant authorities of the institutions or bodies; notes that any consultation of the independent experts on an individual case begins with a request of a party to the

⁴ Text adopted, P9_TA(2023)0281.

Agreement as regards its own members;

3. Regrets that the European Council decided not to join the Agreement;
4. Regrets the unwillingness of the Council not to allow an extension of the scope of the Agreement to at least the representatives at ministerial level of the Member State holding the Presidency of the Council, by arguing that there is no legal basis in the Treaties to adopt common minimum standards applying to the representatives of Member States; is of the opinion that Members of the Council, like Members of the European Parliament, could be bound by the rules set by the Council pursuant to its power of self-organisation, which would prevail in the event of a conflict with national rules; underlines, in this context, that representatives of the Member States gathered in the Council act in their capacity as Members of the Council when adopting EU legal acts; commits to seeking a legal clarification as to whether the Council could bind its Members by common minimum standards;
5. Is of the opinion that the independent experts, which shall be appointed by consensus of the parties to the Agreement, shall have professional experience specifically in the areas of ethics, integrity and transparency, in addition to the requirements outlined in Article 5(2) of the Agreement referring to an impeccable record of professional behaviour and experience in high-level functions in European, national, or international public organisations;
6. Emphasises the essential role of the independent experts in examining individual cases at the request of a party to the Agreement; is of the opinion that each party sending a small random sample of cases to the independent experts would be highly beneficial for the purpose of developing or updating an ethical standard;
7. Notes that the independent experts shall designate a speaker from amongst them; takes the view that the independent experts should have full autonomy in organising their work, as well as in convening their own meetings;
8. Believes that the reasoned recommendation of the independent experts, without prejudice to the General Data Protection Regulation and personal rights, should be made public by the institution or body, together with the decision of the competent authority who should provide an explanation if the recommendations are not fully followed;
9. Remains committed to constructively engaging in the review of the Agreement which is to be conducted three years after its entry into force in order to improve and enhance the ethics body, as provided for in Article 21 of the Agreement;
10. Approves the conclusion of the Agreement annexed hereto;
11. Instructs its President to sign the Agreement with the President of the Council, the President of the Commission, the President of the Court of Justice of the European Union, the President of the European Central Bank, the President of the Court of Auditors, the President of the European Economic and Social Committee and the President of the Committee of the Regions and arrange for its publication in the *Official Journal of the European Union*;
12. Instructs its President to forward this decision, including its annex, to all the parties to

the Agreement for information.

ANNEX: AGREEMENT between the European Parliament, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the European Economic and Social Committee and the European Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for Members of Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union