



TEXTS ADOPTED

P9_TA(2023)0055

Establishment of an independent EU Ethics Body

European Parliament resolution of 16 February 2023 on the establishment of an independent EU ethics body (2023/2555(RSP))

The European Parliament,

- having regard to the Treaty on European Union, in particular Articles 9, 10, 15(3) and 17(3) thereof, and to the Treaty on the Functioning of the European Union, in particular Article 298 thereof,
- having regard to Commission President Ursula von der Leyen's letter to the Council of 18 March 2022 including the Commission's follow-up to the European Parliament's non-legislative resolution of 16 September 2021 on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body,
- having regard to the Commission President's mission letter of 1 December 2019 to Věra Jourová, the Vice-President designate for Values and Transparency,
- having regard to the political guidelines for the next European Commission 2019-2024, presented on 16 July 2019 by Ursula von der Leyen in her capacity as candidate for President of the European Commission,
- 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 institutions¹,
- 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 the Code of Conduct for Members of the European Parliament,

¹ Texts adopted, P9_TA(2022)0448.

² OJ C 117, 11.3.2022, p. 159.

- having regard to its Rules of Procedure, in particular Rules 2, 10, 11 and 176(1), Articles 1-3, 4(6), 5 and 6 of Annex I, and Annex II,
 - having regard to Regulation No 31 (EEC), 11 (EAEC) laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community¹,
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas the President of the Commission committed to establishing an ethics body in her political guidelines in July 2019; whereas the Vice-President of the Commission for Values and Transparency made the same commitment in her mission letter; whereas Parliament has already expressed its support for such a body; whereas the Commission has nevertheless still not presented a proposal for an interinstitutional agreement with a view to establishing an independent ethics body;
 - B. whereas the recent corruption revelations have rightly increased public and political scrutiny of the current standards and practices within Parliament and other institutions; whereas the independence, transparency and accountability of public institutions and their elected representatives, Commissioners and officials are of the utmost importance for fostering citizens' trust, which is necessary for democratic institutions to function legitimately;
 - C. whereas ethics standards already exist within the EU institutions, but are very fragmented and rely solely on a self-regulatory approach; whereas the creation of an independent ethics body could contribute to strengthening trust in the EU institutions and their democratic legitimacy;
 - D. whereas the Meroni doctrine developed by the Court of Justice of the European Union allows for the delegation of EU institutions' competences to external bodies, including competences that are not yet exercised;
1. Reiterates its deep shock at and condemnation of the alleged acts of corruption in the European Parliament and states its zero-tolerance policy on corruption in any shape or form;
 2. Reiterates its support for the establishment of an independent ethics body, as outlined in its resolution of 16 September 2021, in order to restore citizens' trust in the EU institutions;
 3. Urges the Commission to submit, by the end of March 2023, its proposal to establish an independent ethics body for the European Parliament and the Commission that is open to the participation of

¹ OJ P 045, 14.6.1962, p. 1385.

all institutions and agencies of the EU, and to finalise the negotiations on the body's structure, governance, name, composition and powers, as well as on any other issues that might arise, before the summer recess;

4. Insists that a clear distinction between criminal acts, breaches of institutional rules, and unethical behaviour needs to be made; recalls that the independent ethics body should work on establishing a common definition of conflicts of interest for the EU institutions on the basis of the highest standards;
5. Considers that the new EU ethics body should be delegated a list of agreed tasks to propose and advise on cases and rules for Commissioners, Members of the European Parliament and staff of the participating institutions before, during and in some instances after their term of office or service in line with the applicable rules; considers that, in order to ensure the consistent application of ethical standards and predictability, advice should be binding for the independent EU ethics body in its position on the same matter;
6. Recalls that the body should have the right to start investigations on its own and to conduct on-the-spot and records-based investigations using the information that it has collected or that it has received from third parties; recalls that the body should also have the possibility to check the veracity of declarations of financial interests and assets;
7. Emphasises that in the Qatargate case, NGOs were allegedly used as vectors of foreign interference in European democracy; urges a review of existing regulations with the aim of increasing transparency and the accountability of interest representatives in their interactions with Members;
8. Recalls that its proposal envisages a nine-person body composed of ethics experts;
9. 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 the fear of reprisals; recommends a revision of the Staff Regulations, especially Article 22c thereof, in order to align them with the standards of the Whistleblower Directive¹; reiterates its calls on the Bureau, in the interim, to immediately revise Parliament's Internal Rules Implementing Article 22c of the Staff Regulations to bring them in line with the protections provided for in the Whistleblower Directive;
10. Recommends that the independent ethics body should have the

¹ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17.

possibility to engage in cooperation and information exchange with relevant EU bodies such as the European Anti-Fraud Office, the European Public Prosecutor's Office, the European Ombudsman and the European Court of Auditors, within their respective mandates;

11. Recommends the adoption of harmonised and adequate cooling-off periods by all EU institutions and the strengthening of their enforcement; recognises that the 'revolving doors' phenomenon also applies to NGOs and urges further analysis of conflicts of interest in this regard; calls, in order to limit potential conflicts of interest, for a ban on Members of the European Parliament performing paid side jobs or activities on behalf of organisations or individuals covered by the scope of the Transparency Register;
12. Suggests reinforcing and making full use of the sanctions procedures within the European Parliament without delay, while working towards the establishment of an independent ethics body; points in that regard to the recent observations made by the European Ombudsman regarding the Parliament's Advisory Committee; underlines that she suggests to strengthen its independence while granting it powers proactively to monitor, investigate and ensure compliance with ethics rules, in particular the Code of Conduct, and providing it with sufficient resources;
13. Commits to working as fast as possible in accordance with the principle of sincere cooperation in order to finalise the negotiations by the summer; calls on its Conference of Presidents to appoint its negotiators and send a letter to open negotiations with the Commission and other institutions, agencies and bodies that are willing to join;
14. Instructs its President to send this resolution to the Council, the Commission and the governments and parliaments of the Member States.