



TEXTS ADOPTED

P9_TA(2024)0372

Interinstitutional Body for Ethical Standards

European Parliament decision of 25 April 2024 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 thereto (COM(2023)0311),

- 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 body¹,
 - 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 institutions²,
 - 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 institutions⁴,
 - having regard to its resolution of 12 July 2023 on the establishment of the EU ethics body⁵,
 - having regard to its resolution of 13 July 2023 on recommendations for reform of European Parliament's rules on transparency, integrity, accountability and anti-corruption⁶,
 - having regard to Rule 148(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0181/2024),
- A. whereas the independence, transparency and accountability of EU institutions are of the utmost importance for their democratic legitimacy and for fostering citizens' trust; whereas the European Parliament today ranks amongst the most transparent legislatures in the world;
- 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 2021⁷, and reiterated, in its subsequent resolutions of 16 February 2023⁸ and 12 July 2023⁹, to set up an ambitious, genuine and independent ethics body;

¹ OJ C 117, 11.3.2022, p. 159.

² OJ C 177, 17.5.2023, p. 109.

³ OJ C 283, 11.8.2023, p. 31.

⁴ OJ C 283, 11.8.2023, p. 27.

⁵ Texts adopted, P9_TA(2023)0281.

⁶ Texts adopted, P9_TA(2023)0292.

⁷ OJ C 117, 11.3.2022, p. 159.

⁸ OJ C 283, 11.8.2023, p. 31.

⁹ Texts adopted, P9_TA(2023)0281.

- 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; whereas that Commission proposal fell far short of the ambition put forward in Parliament's resolutions, mainly lacking in capacity to examine individual cases and potential breaches of ethical rules as well as to recommend sanctions;
- E. whereas Parliament's resolutions of 16 February 2023¹⁰ and of 12 July 2023¹¹ 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 unofficial groupings on external financial support;
1. Welcomes the Agreement enabling the development of strong common ethical standards and the exchange of best practices, and allowing 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 as regards its own members of a party to the Agreement in accordance with its internal rules; underlines that the declarations of financial interests of the Commissioners-designate, as high level cases transcending the interests of the institution concerned, should as a rule be subject to examination by the independent experts;
 3. Reiterates, however, that Parliament remains fully committed to an independent ethics body, capable of carrying out investigations on its own initiative and issuing recommendations for sanctions to the responsible authorities of the participating institutions or bodies, composed of independent experts as full members, that covers

¹⁰ OJ C 283, 11.8.2023, p. 27 and p. 31.

¹¹ Texts adopted, P9_TA(2023)0281.

Members of EU institutions and bodies before, during and after their term of office or service as well as staff, as envisaged in Parliament's resolution of 16 September 2021¹² and reiterated in its resolutions of 16 February 2023¹³ and of 12 July 2023¹⁴;

4. Regrets that the European Council decided not to join the Agreement;
5. Regrets the unwillingness of the Council to extend 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; commits to use the first review of the Agreement to address this legal gap and calls, in the meantime, on the upcoming Council Presidencies to voluntarily apply its provisions; 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;
6. Takes the view that the resources made available must enable the proper functioning of both the interinstitutional body for ethical standards (the 'Body') itself composed of one representative of each party to the Agreement and the five independent experts assisting the institutional representatives and joining the Body as observers, as well as any necessary support therefor; regrets that according to Article 17 of the Agreement, any cost resulting from a consultation of the independent experts is to be covered by the requesting party, as this might result in a limitation of the number of such consultations;
7. Is of the opinion that the independent experts, who are to be appointed by consensus of the parties to the Agreement, need to 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;
8. 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

¹² OJ C 117, 11.3.2022, p. 159.

¹³ OJ C 283, 11.8.2023, p. 31.

¹⁴ Texts adopted, P9_TA(2023)0281.

beneficial for the purpose of developing or updating an ethical standard;

9. Believes 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; believes that the independent experts should be able to exchange information with national authorities where necessary for the performance of their tasks, while treating such information with the same confidentiality as the originating authority did; stresses in this regard that the independent experts should have access to the administrative documents of participating parties, especially the party consulting them on a case, in order to allow them to carry out well-reasoned and well-documented assessments;
10. 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;
11. 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 advisory body, together with the decision of the competent authority who should provide an explanation if the recommendations are not fully followed;
12. Calls for the Body to lead by example on transparency by publishing all recommendations, annual reports, decisions and records of spending in a machine-readable open data format available to all citizens, and in accordance with the applicable data protection rules, including, inter alia, the written opinion of the independent experts on the institutions' self-assessments in accordance with Article 10 of the Agreement and the anonymised and aggregated annual account of every year which summarises in aggregated and anonymised form the consultations and questions submitted by the parties and actions to follow them up in accordance with Article 7(4) of the Agreement; underscores the importance of protecting the privacy of the individuals concerned to an appropriate extent and the presumption of innocence; calls on the parties to the Agreement to develop common guidance for the consultation of the independent experts and the publication of their recommendations;
13. Believes that, in order to be fully effective, the Body would need to combine the functions of existing organs responsible for ethics and that therefore, for cases which require specific consideration or for the purpose of developing or updating an ethical standard each participating party should consult the independent experts;

14. Stresses the need to define how the mandate of the Vice-President representing Parliament in the Body will be determined and to put in place appropriate accountability mechanisms;
15. Considers it necessary to clarify who would be the Parliament's alternate representative in the Body;
16. Considers that the Committee on Constitutional Affairs should play a role in determining the mandate of the Vice-President representing Parliament in the Body, as well as in holding the Vice-President and the alternate representative accountable; considers it of the utmost importance that Members of the European Parliament have a say in the development of standards that will be binding on them;
17. 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 Body, as provided for in Article 21 of the Agreement;
18. Recalls its position that the Body should be able to investigate on its own initiative alleged breaches of ethical rules by officials and staff of EU institutions 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;
19. Approves the conclusion of the Agreement annexed hereto;
20. 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*;
21. Instructs its President to forward this decision, including its annex, to all the parties to the Agreement for information.

**AGREEMENT BETWEEN THE EUROPEAN PARLIAMENT, THE
COUNCIL OF THE EUROPEAN UNION, 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 REFERRED TO IN ARTICLE 13 OF THE
TREATY ON EUROPEAN UNION**

(The text of this annex is not reproduced here since it corresponds to the interinstitutional agreement as published in OJ L, 2024/1365, 17.5.2024, ELI: http://data.europa.eu/eli/agree_interinstit/2024/1365/oj.)