

Letter from the European Ombudsman to the President of the European Parliament about improving the European Parliament's ethics and transparency framework

Correspondence - 20/03/2023

Case SI/1/2023/MIK - Opened on 27/01/2023 - Decision on 07/12/2023 - Institution concerned European Parliament |

Ms Roberta Metsola

President of the European Parliament

Dear President,

Following my letter of 27 January 2023, your reply to me on 6 February 2023, and the constructive meeting we had on 15 February 2023, I wish to share further input on the draft proposals that were endorsed by the Conference of Presidents on 8 February 2023. These draft proposals are intended to strengthen the oversight and enforcement of the Parliament's ethics rules.

I know that you share the view that diligent and independent oversight is critical. The way in which the Parliament seeks to enforce the new rules internally is therefore of the greatest importance and, as you will see, my detailed observations begin with a series of questions as to how the Parliament's Advisory Committee will be strengthened. My intention with this input is to address issues linked to my Office's expertise in ethics and transparency standards.

Following a detailed analysis of your proposals, my Office has identified additional areas that might benefit from greater clarity or further explanation. The details are enclosed and I hope that you and your staff will find them useful.

I appreciate that they are quite technical and numerous, but from the experience of my Office, it is likely that these will be the details that will be examined both internally and externally when



seeking to confirm the depth and strength of a future new ethics regime.

I also appreciate that not all of the questions may be capable of being answered in detail immediately, such as those on possible sanctions for example. I reiterate, however, that their purpose is to assist this process by providing a useful additional template of considerations as you move to complete this work.

The reform process should be as transparent as possible. In my view, the steps towards reform and the timeline for their implementation should be made public in order to reassure citizens that concrete changes will be made in the short, medium, and longer term. As such, I will publish this letter on my website and I trust too that I can publish your reply, which I hope to receive as soon as possible to maintain the current momentum for change.

Should any further information or clarifications be required, your services can contact Mr Michal Krajewski.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 20/03/2023

Annex

1. Strengthening the Advisory Committee

The draft reform proposals entitled 'Strengthening Integrity, Independence and Accountability: First Steps' state that the Advisory Committee will be strengthened in relation to the Code of Conduct. The Committee currently assesses alleged breaches of the Code of Conduct by MEPs when asked by the President, and advises the President on possible action to be taken. In this regard, the draft mentions the possibility of in future referring what are described as "systematic or severe failures" to comply with disclosure obligations within the deadline to the Advisory Committee. The draft also mentions a potential proactive role for the Committee in signalling other problematic situations to the President.

The current practice is that the Committee, after examining the circumstances of the alleged breach, makes a recommendation to the President. Taking that recommendation into account, the President can conclude that the MEP concerned has breached the Code of Conduct. In such cases, and after hearing the MEP, the President can adopt a reasoned decision laying down a penalty.

In terms of strengthening the committee, it would be useful to know:



- (a) Does its potential 'proactive' role mean that the Advisory Committee will have own-initiative powers to conduct investigations?
- (b) If 'yes' to the above, is that understood to mean that the Committee will be able directly to deal with complaints filed by individuals (with appropriate safeguards for both complainant and those complained of) and not act solely on the request of the President?
- (c) If 'yes' to (a) does it mean that the Committee may act if it learns of potential breaches from other sources e.g. media?
- (d) What is meant by, or potentially covered by, 'systematic or severe failures'?
- (e) What measures will be put in place to guarantee the impartiality and independence of the Committee?
- (f) How will the Committee be strengthened as regards the outcome of its inquiries? Has consideration been given for example to requiring that, where the President departs from the Committee's recommendation, reasons are provided in the President's decision?
- (g) What steps are envisaged to make the work of the Advisory Committee and the final decision of the President more transparent?

2. The new revolving door policy

According to the draft reform plan, a new 'revolving door' policy will prohibit former MEPs from lobbying the European Parliament for a period of six months following the end of their mandate (known as a 'cooling-off period'). The proposal mentions a declaration of commitment, a reminder of applicable rules to outgoing MEPs and the consequences of non-compliance. In terms of compliance, would it be possible to provide further details as regards:

- (a) Who will monitor compliance with the new revolving door rules, and how?
- (b) What are the envisaged consequences in the event of non-compliance?

3. The transparency of Members' activities

The draft reform plan states that information on the integrity of Parliament's work and on MEPs will be made available to the public in a centralised, complete, and easily accessible website. This 'integrity tab' will include information on the Code of Conduct including on the Advisory Committee on the Conduct of Members, relevant information from the Transparency Register, declarations of gifts, MEPs' attendance at events not paid for by the European Parliament, declarations of scheduled meetings, and sanctions. Specifically, in terms of implementing this



reform, it would be helpful to know:

(a) How will the Parliament ensure the information contained in its integrity tab is up-to-date and made available in a timely way?

4. Mandatory declaration of meetings

The draft reform plan proposes to make it compulsory for MEPs, accredited parliamentary assistants (APAs), and staff to declare meetings with third country diplomatic representatives and third parties covered by the Transparency Register when those meetings concern specific reports, resolutions or files in which MEPs or staff have an active role. Would it be possible to explain:

(a) To what extent will this proposed reform reinforce rules already in place, in particular as regards both diplomatic representatives of third countries and third parties?

(b) Who will monitor the compliance with this requirement, and how?

(c) What consequences are envisaged for non-compliance with this requirement?

5. A ban on friendship groups with third countries

The draft reform plan states that ‘friendship groups’ and other activities with third countries by unofficial groups of MEPs will be banned where official Parliamentary fora already exist. In terms of the effectiveness of this prohibition and ensuring compliance with it, could you please provide further details about:

(a) What consequences are envisaged for non-compliance with this prohibition?

(b) Should possible loopholes in the rules regarding the Parliament’s relations with third countries need to be assessed, who will conduct the assessment, and how and when would the outcome of this assessment be made public?

6. Revision of rules on former members

The draft reform plan states that the permanent access badges currently granted to former members and former staff will be replaced by daily badges. A specific badge would identify former members and former staff entering Parliament as interest representatives. This was discussed in Parliament’s Bureau meeting of 13 March 2023. Specifically, in terms of implementing this reform, please provide further details about:

(a) What conditions will former MEPs need to fulfil to receive a daily badge and how will the



procedure for granting daily badges address the risk of lobbying by former MEPs?

(b) Who will decide to grant daily badges and who will monitor their use?

7. Avoiding conflicts of interest

The draft reform plan states that rapporteurs and shadow rapporteurs must submit a declaration of conflict of interests to the relevant committee secretariat when being appointed, an obligation that also applies to co-rapporteurs in multilateral assemblies and their committees. The plan also notes the implementation of further checks and awareness-raising measures, to prevent APAs and staff from having a coordinating role in any organisation connected with a third country or active in lobbying activities within the scope of the Transparency Register.

It would be useful to know:

(a) How these rules, concerning conflicts of interest, reinforce existing rules?

(b) In terms of the proposed obligations on APAs and staff, who will carry out these further checks?

(c) In respect of both proposed reforms, who will monitor compliance with these rules, and what consequences are envisaged for non-compliance?

8. Increased transparency on financial declarations

The draft reform plan envisages a revision of the declaration form on financial interests that MEPs have to submit after taking up office. The new form would include more information on MEPs' 'side' jobs and outside activities, with checks performed to ensure proper enforcement of the rules. Could you provide these further details:

(a) Who will carry out these checks and how will these differ from the plausibility checks that are already performed by the Advisory Committee?

(b) Will MEPs be required to provide supporting documents when they submit their Declaration Forms to enable the conduct of meaningful checks?

9. Sanctions

The draft reform plan proposes a revision of the list of sanctionable activities of MEPs to bring them in line with the new obligations and responsibilities listed. A system of warnings and reminders will also be put in place to remind members of rules before sanctions are applied. Specifically, in terms of implementing this reform, please provide further details about:



- (a) How the warning and reminder system will work, who will apply it and when?
- (b) What steps are envisaged to make this reminder and warning system transparent to MEPs and to the public?

10. Reform Process

The Ombudsman has stated that the process of reform must itself be transparent in order to demonstrate publicly the European Parliament's commitment to bringing about meaningful change in its ethics framework and rules. This is needed to restore the trust of EU citizens in one of the EU's co-legislators. It would therefore be helpful to know:

- (a) The indicative steps and milestones to be taken to bring about reform of the Parliament's ethics rules.
- (b) Which entities within the European Parliament will be responsible for coordinating the reform process and to whom do they report?
- (c) How will the European Parliament ensure the transparency of this review process for the public?