

## EU ethics body: rapporteur' ideas and authors of EPRS studies

	Frischhut (AFCO)	Demmke (JURI)
<b>aim</b>	Create an Independent Ethics Body (IEB)	create a committee to monitor e.g. Commissioner-candidates for revolving doors and Conflicts of Interests (Col)  (more focus on measures than institutions)
<b>scope</b>	"The scope of the IEB should cover all branches of power, as suggested by others for the field of lobbying. Hence, the personal scope of the IEB should cover not only the Commission, Parliament and the Council, but ideally all those institutions covered in this study, as well as additional ones, such as EU agencies. It should also cover both members of EU institutions and other bodies as well as the staff. On a timeline, the IEB should cover incoming members and staff, current ones, and those who are leaving or have already left."	office holders / senior officials  designated Commissioners  (parliamentarians)
<b>mandate</b>	"The IEB should be in charge of <b>all types of conflict of interest (gifts; revolving-doors, including external activities during the job; lobbying) as well as declaration of interests</b> . A broad understanding of conflict of interest (actual, apparent and potential) shall be embraced.  Declaration of interest should cover a broad field, including both financial and non-financial information. This information needs to be verified and regularly updated. All information must be provided in an electronic and machine-readable format"	"most acute implementation challenges exist as regards the management of <b>disclosure requirements</b> , as regards <b>revolving-door</b> cases and the management of Col due to <b>side-activities</b> and <b>memberships</b> (the latter mostly applies in case of parliamentarians)" (p11)  "During each nomination (phase) of Commissioners designate, this appointment committee should <b>verify and monitor revolving door Col of Commissioners designate</b> "
<b>composition</b>	"The IEB should comprise around	"Moreover, these assessments [of

	<p><b>seven permanent members and should elect its own chair</b> (see below). A staff of approximately <b>50 persons should support the IEB</b>. One of them should have the role of an 'ethics officer', in charge of ethical questions within the IEB (providing advice and training)."</p> <p>"The seven permanent IEB members ("whose independence is beyond doubt") should be composed of both <b>internal EU staff, as well as externals</b>, with a ratio of 5:2 or 4:3 (of internals and externals). The category of internal staff should comprise both current, as well as former members of staff."</p> <p>"The IEB should have <b>additional external reserve members</b> (e.g., four), which are not involved in the daily business but support the IEB in the field of opinions of a more strategic nature."</p> <p><b>Gender Parity</b></p> <p>"The <b>selection of the IEB members shall take place based on an open call</b>, published on the Europa website as well as the Official Journal of the EU, followed by a selection process conducted by a selection committee."</p> <p>Term in office of <b>6 or 7 years, renewable</b></p>	<p>post-employment occupations] should be <b>carried out by staff who have not had any direct professional connections with the official concerned.</b>"</p>
<p><b>powers</b></p>	<p>Not explicit, but implied: <b>option 1: transfer of existing powers from President/College etc. to Ethics body</b></p> <p>"The IEB should be able to act on <b>its own initiative or on request of someone else</b>. It should have competence to decide on its own, whether support by someone else is necessary, as in the case of the HATVP [France], which may hear or consult any person whose assistance it deems useful."</p>	<p>"If the <b>committee concludes that candidates violate existing norms</b> and rules, the nominating Member States shall take into account the opinion of the committee while proposing an alternative"</p> <p><b>"administrations should request</b> leaving top-officials and Ministers/Commissioners to provide <b>sufficiently detailed information</b> in order to allow the responsible services to carry out</p>

	<p>“the IEB should be able to receive information from the media, civil society and others.”</p> <p>“Besides prevention, constant monitoring and, eventually, investigation competences are also key.”</p> <p>“Members and staff should be obliged to cooperate with the IEB.”</p>	<p>well-reasoned and well-documented decisions.” (p11)</p> <p>“the management of revolving door issues requires a <b>highly professional case-by-case assessment by experts</b> who have the necessary skills to carry out these tasks. Most national and EU institutions are not in the position to carry out professional and speedy assessments in each case.”</p>
<b>procedures</b>	<p>“IEB decisions should be taken by simple majority without providing for possible 'dissenting opinions'”</p>	<p>The <b>findings</b> of this committee <b>should be made public.</b></p>
<b>sanctions</b>	<p>“If necessary, a step-by-step approach can be followed, according to which, for example, more severe sanctions only occur if softer forms such as 'moral suasion' should prove insufficient.”</p> <p>“However, also softer forms of sanctions (publication in the Official Journal, information provided to superiors) can also prove effective.”</p>	-
<b>relation to existing ethics bodies in EP, EC</b>	<p>“The IEB should be part of an 'ethics lattice' (or 'ethics infrastructure'), which also comprises the IEB's ethics officer as well as decentralised ethics officers in each corresponding institutions. The Presidents of these institutions should be involved in terms of annual meetings or conferences, to discuss current challenges and possible future answers.”</p>	<p>“Overall, any internal form and self-regulation have the advantage that it is simpler, easier and less conflictual. However, <b>arguments in favour of the introduction of more transparent and independent structures outweigh the critical points.</b>”</p>
<b>legal instrument</b>	<p><b>Interinstitutional agreement</b></p> <p>“If it is intended, such an agreement can be legally binding, however, not for third-person (in particular lobbyists).</p> <p>Based on the afore-mentioned Meroni-doctrine and the principle of conferral (Article 13 [2] TEU), not more competences can be</p>	-

	<p>transferred to the IEB than the participating institutions actually enjoy.”</p> <p>“Setting up the IEB via an IIA would require some amendments of EU secondary law. Setting up the IEB would not require amendments of EU primary law, which could be a 'mission impossible'.”</p> <p>“As far as possible, the rules under EU secondary law can be strengthened in terms of a more ambitious approach, as long as in line with EU law.”</p>	
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