



European Economic
and Social Committee

Unit A.3
MEM – Members' Working Conditions
Head of Unit

Members' Statute
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Brussels, 14 April 2022
CONFIDENTIAL

Memo to the attention of: Ms Christa SCHWENG, President

Subject: The EESC's involvement in the establishment of an independent
inter-institutional EU ethics body

1. Subject of request

The EESC President received the attached letter from European Commission President on the creation of an EU ethics body, as a follow-up to the EP resolution on strengthening transparency and integrity in the EU institutions.

The Commission wants to hear the views of each institution and advisory body on taking part in inter-institutional discussions with a view to a possible future joint agreement to establish an ethics body common to all EU institutions, agencies and bodies.

2. Overview

While the Commission welcomes the Parliament initiative and its content in general, differences still remain with regard to certain aspects such as for example the legal basis, the personal scope of the instrument (and notably the inclusion of staff matters), the balance between inter-institutional ethics rules and specific rules of each institution, the competences and investigative powers of the body.

The design of the body touches upon sensitive aspects of the institutional balance between EU institutions and must respect the institutional autonomy and the particularities of each institution as well as the functions of its members. Therefore, the Commission supports a system that does not imply the adoption of new ethical rules in the institutions or the adoption of a single set of ethical rules applicable to all institutions, while not ruling out discussions on a set of common principles in line with the Treaty provisions applicable to the different institutions.

The body would be competent to apply the current ethical framework of each of the participating institutions, applicable to its Members. The European Parliament's proposal includes also staff as well as the assessment of conflicts of interest, but the Commission is not in favour of such a broad scope. The body would be entrusted with an advisory role towards the institutions, investigative powers and powers to issue recommendations to the respective institutions.

If all institutions agree, the EU ethics body would replace the ethical committee of each institution.

3. Further elements

- Continued application of the current rules of each institution
 - Consistent inter-institutional definition of terms, creation of a common EU public portal, and competence to make proposals for a common ethical framework or ethical principles
 - The competences of the body should not impinge upon those of other existing bodies (OLAF, EPPO, Ombudsman, etc.)
 - Its mandate should be limited to a clearly defined list of competences delegated by the participating institutions
 - Composition: a manageable number of members (5 to 9) to be chosen in particular from among former judges of the Court of Justice, former presidents of OLAF and the Court of Auditors, former or current members of the highest courts of Member States, former members of the EP, etc.
- Where staff matters are concerned, staff representatives from the institution of the person concerned would be included in the body's composition.

4. EESC Ethical Committee's first reaction

The Ethical Committee briefly discussed this point at its meeting on 28 March.

Its members agreed that the proposal needs to be considered cautiously in order to make sure that the EESC is represented directly. It should also be clarified whether the inter-institutional ethics body would dissolve and replace the EESC's Ethical Committee.

The Ethical Committee wishes to be informed about the developments of the negotiations.

Furthermore, the proposal would certainly require careful analysis and an update of the recently adopted EESC rules of procedure.

5. Recommendation

Further to the initiative of the European Parliament and the favourable reaction from the Commission, it is recommended that the EESC, through a letter signed by its President:

- Welcome this initiative and respond favourably to the invitation from the Commission to take part in inter-institutional discussions on a possible future joint agreement to establish such a body;
- Underline that it is important that such an EU ethics body should take into account the differences between the roles and status of the different institutions and their Members;
- Remain available to actively contribute to the discussions leading to an agreement shaping the EU ethics body.

Discussions on the substantive elements of the proposal, as briefly summarized above and described in more details in the note of the Legal Service, shall start as soon as the Commission prepares a more concrete proposal and shall involve all relevant EESC bodies.

Appendices

1. Letter addressed to the EESC President by the President of the European Commission on the establishment of an ethics body common to all EU institutions
2. Follow-up to the European Parliament non-legislative resolution on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body
3. Note of the EESC Legal Service of 13 April 2022

