



## Independent ethics body

- Based on an idea by Transparency international and was endorsed by Ursula von der Leyen during her election campaign.

### EP proposal

- **In September 2021, Parliament adopted a resolution** on the creation of an IEB.
- The proposed IEB would **investigate breaches of ethics rules by MEP's, Commissioners, and staff of EP and Commission** and **make non-binding recommendations** to the institutions<sup>1</sup> (also through own-initiative investigations).
- Other responsibilities:
  - Help to establishing a common definition for “conflict of interest”.<sup>2</sup>
  - “Vetting” of Commissioners-designate
  - To issue ethics guidance and participate in awareness-raising on ethics matters.
  - Oversee obligations from the transparency register.
- “Appropriate investigative powers” and “access to administrative documents” foreseen
- No new ethics rules for the institutions foreseen, IEB will instead use the respective existing rules of the institutions.
- Participating institutions would be **EP and Commission**, other institutions would be invited to join in the future.
- The body should **not duplicate or interfere with the work of OLAF, EPPO, ECJ, CoA or the Ombudsman**.
- Composed of **nine members**
  - three selected by the Commission,
  - three elected by Parliament
  - three assigned *de jure* from former Presidents of the ECJ, the CoA and European Ombudsmen (unclear what the procedure will be).

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<sup>1</sup> Under current rules, the institutions can already impose sanctions on current and former members, including the deprivation of pension and other rights and “public shaming”.

<sup>2</sup> OECD defines conflict of interest as: ‘when an individual or a corporation (either private or governmental) is in a position to exploit his or their own profession or official capacity in some way for personal or corporate benefit’



Commission reply

- **Commission replied** to EP Resolution in March 2022.
  - Warned that the IEB would might duplicate functions of existing bodies OLAF, EO, EPPO, ECA
  - Emphasised that IEB should be an advisory body with **no decision-making powers and no investigative function, that should not be able to propose sanctions** and a very limited scope (to avoid work overload)
  - Argued against a common set of ethics rules for all institutions. All institutions should have their own rules.
  - Said that findings of the body should not be published.
  - Proposed that the IEB should only have 5 members.

Line to take

- The creation of an IEB is an important step, given the weak ethics monitoring systems of the institutions.
- **EP and Commission seem to have very different ideas** of its setup and powers; it seems that there is no agreement in sight.
- **Ombudsman** and the future IEB may be able deal with similar cases, but from a **different angle**. The IEB is designed to **investigate individuals'** behaviour (Commissioners, MEPs, Staff), **the Ombudsman inquires into the institutions** handling these cases.
- Past Ombudsman's inquiries that the IEB could have dealt with as a first instance are mainly "**revolving doors**" inquiries, such as the cases related to Oettinger and Barroso.
- The **IEB and the Ombudsman** should complement each other, with the Ombudsman overseeing the IEB's work. In principle, the Ombudsman could inquire into both the IEB and the institutions implementing its recommendations.<sup>3</sup>
- There are still are **many open questions**:
  - **Powers of investigation**: Will the IEB have the power to call individuals to testify and have access to personal or business documents? How will it monitor post-employment activities?
  - How will the **members** of the IEB be **selected**?
  - How will the **Ombudsman** be able to **oversee the work of the IEB**? Inquiries into the IEB directly or into parent institutions? Cases in which the IEB decides not to act?

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<sup>3</sup> This is clarified in Article 228 of the TFEU.