

Transparency International EU

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Civil society raises concerns around proposed independent EU ethics body

Vitor Teixeira · Tuesday, May 18th, 2021

The following letter was sent on 18 May 2021 to Daniel Freund MEP (rapporteur), Rainer Wieland MEP, W?odzimierz Cimoszewicz MEP, Gilles Boyer MEP, Leila Chaibi MEP (shadow rapporteurs):

Dear Members,

We, the undersigned, are civil society organisations who actively advocate for greater transparency, integrity and accountability at EU level. We are writing this letter to express our utmost concern over the current state of negotiations of the Constitutional Affairs Committee own-initiative report on the establishment of an Independent EU Ethics Body.

Ethics scandals involving elected and unelected officials of the European institutions have consistently highlighted the inability of the current self-regulatory system to uphold the codes of conduct and ethical norms. Recurrent scandals related to [conflicts of interest](#), [outside activities](#), disregard for [cooling off periods](#), demonstrate a severe lack of scrutiny and responsibility which damages the reputation of the EU institutions, staff and policy-makers. The self-policing of the institutions has resulted in a system devoid of sanctions for ethical breaches involving former and present [Commissioners](#) as well as MEPs. For instance, for the last half decade, 27 MEPs have been investigated for ethical breaches and despite some being found to have been in breach of ethical violations, there have been no sanctions. That's why we welcomed the announcement of the creation of an independent ethics body common to all EU institutions in President Von der Leyen's political guidelines in 2019.

We believe the creation of an independent EU Ethics Body is necessary to ensure a legitimate system of checks and balances that is on par with international best practices of good governance. To properly address the current shortcomings of the current EU ethical framework, such a body must meet three tests. It must:

1. Have the **right to initiate procedures and conduct investigations** on all cases of real, perceived, or suspected breaches of ethical rules, based on information it has acquired through its own monitoring or that it has received from third parties.
2. Have the **power to take binding decisions** in the case of staff members. In the case of Commissioners these decisions can only be overturned by a majority vote in the College. In cases involving Members of the European Parliament, these decisions can only be overturned by a majority vote in the plenary.
3. **Replace all other ethics bodies at EU level** responsible for staff, Commissioners and Members

of the European Parliament. This body should be complementary to other oversight and enforcement authorities, such as the European Ombudsman and the European Anti-Fraud Office (OLAF), as all would have distinct and separate mandates.

The creation of a new EU ethics body without these fundamental elements would not be effective in preventing future scandals. We are alarmed to see, therefore, that the proposals currently on the table would not address any of these key points. Instead, they would merely end up creating another toothless tiger.

We cannot support the proposal as it stands. We strongly urge you to reconsider your approach.

Regards,

Transparency International EU

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