



## Ethics Body: Questions & Answers

Brussels, 8 June 2023

The European Commission has adopted a proposal for the creation of an interinstitutional Ethics Body, intended to cover members of all EU institutions and advisory bodies.

The establishment of the Ethics Body will, for the first time, lead to **common standards** for ethical conduct of the members of EU institutions and a **formal mechanism for coordination and exchange of views**.

### 1. Why is this proposal needed?

Ensuring that the integrity of the EU institutions and its members is beyond reproach must be a priority for all institutions. Joint action is necessary in developing a common culture of ethics and transparency across institutions. The creation of an interinstitutional Ethics Body is a fundamental step in this direction.

The Body will be a powerful tool to create a common culture of institutional, professional ethics for the members of all EU institutions (Commissioners, members of the European Parliament, President of the European Council, members of the Court of Auditors and the Court of Justice, the European Central Bank's Executive Board, members of the Committee of the Regions and of the European Economic and Social Committee). For the first time, the Body will set common, clear and transparent standards for the ethical conduct of members of all EU institutions, as well as create a space for the institutions to exchange and share their experiences on this matter.

### 2. How is the body composed?

The Ethics Body will be composed of:

- A **Chair** and an alternate, rotating annually among the members from the participating institutions;
- **Members from the participating institutions**: one designated representative and one alternate, for a maximum of five years;
- Five independent experts, or **observers**, appointed by the parties, for a duration of three years, in consideration of their competences, experience in high-level functions, independence and professional qualities;
- The members of the Body will be supported by a **secretariat**, formally hosted in the Commission. It shall be made up of those responsible for ethics for members in each participating institution.

### 3. What will the Ethics Body do? When will the common standards materialise?

The Commission will invite all participating institutions to a first political meeting on 3 July.

Following today's proposal, the interinstitutional agreement should be reached as soon as possible, after which the members of the Body, as well as the independent experts, will be appointed. They will begin their work to develop common standards, and after that launch the process of self-assessment by the participating institutions.

The standards must be developed within six months of the Body starting its functions.

### 4. Will the Body have enforcement powers?

No. Enforcement powers are attributed by the Treaties to specific institutions, notably to the Court of Justice of the EU as an independent court. There is no legal basis in the Treaties for establishing such a Body with enforcement powers.

Besides, the Body should not duplicate or overlap in any way with the functions and powers of the national and European investigative and prosecutorial authorities, such as the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO).

## **5. Will the Body be competent to investigate wrongdoing or cases related to criminal responsibility?**

No, to confer investigative powers to the Ethics Body on the members of the institutions would impact the existing institutional balance set out in the Treaties, and create duplications and overlaps with existing bodies.

There is already a well-established and sound legal framework in place, which confers investigative powers at EU level onto existing bodies:

- the European Anti-Fraud Office (OLAF) can investigate serious breaches of professional duties by members of the institutions;
- the European Public Prosecutor's Office (EPPO) and the competent national authorities can investigate suspected criminal offences against financial interests of the EU committed by members;
- The European Ombudsman can investigate maladministration in all EU institutions.

On the other hand, the role of the Ethics Body is to develop common standards for the EU institutions, including on the setting up of control mechanisms in the institutions, where suspicions of a breach of the respective rules may be reported to the institution concerned.

## **6. What is the point of this proposal, if the institutions and bodies already have their own rules and principles in place?**

Institutions of the EU have rules which regulate the individual ethical obligations applicable to their Members (Treaty provisions, Codes of Conduct or similar instruments). They take into account the differences between the institutions regarding their mission, purpose and duties, and are directly based on provisions of the Treaties.

However, not all differences can be explained by the autonomous role of each institution and their members. All members work in full independence for the general interest of the EU and its citizens and must ensure integrity and transparency in their behaviour. Therefore, a joint effort of all EU institutions to develop a common culture of ethics and transparency and a common set of ethical standards is necessary.

The Ethics Body will allow developing common minimum standards with respect to the conduct of members of all institutions. It will offer, for the first time, a possibility for all institutions to address the issue of ethics and integrity of their members as a matter of common interinstitutional interest.

The Body will help foster the citizens' trust in the EU institutions, reduce discrepancies among the institutions' standards, clarify what is expected of the EU institutions' members, and encourage mutual learning and experience sharing. This will help make the EU more coherent, transparent and accountable.

## **7. How will coherence among the institutions be ensured based on basic standards?**

The Ethics Body will ensure that there is coherence across the board on the areas that are applicable to all, irrespective of the particularities of their function (for example, on the acceptance of gifts from third parties).

However, the role and tasks of members of different institutions are not identical, and they come with different challenges which need to be addressed.

This is why the Commission is proposing the creation of one clear set of standards for all, striking a balance between the need for common principles for the members of all EU institutions and bodies, and allowing for position-specific rules that tackle the specific risks faced by each institution.

## **8. Is this not duplicating the recent anti-corruption proposals presented by the Commission?**

The proposal of establishing an interinstitutional Ethics Body is coherent with the anti-corruption package that the Commission adopted in May 2023.

Within the EU institutions, there is a zero-tolerance policy towards corruption, both for staff in the administration and for the members.

Any allegation of corruption must be immediately reported either to the European Anti-Fraud Office (OLAF), the European Public Prosecutor's Office (EPPO) or the national authorities, investigated and brought to justice.

The interinstitutional Ethics Body will in no way interfere with the investigative powers of these organs. There will be no overlap or duplication of missions between the Body and the EU entities entrusted with investigative powers. Corruption is a criminal offence, and the Body will not deal with issues subject to criminal law.

#### **9. What are the next steps and when will the proposal be adopted?**

An interinstitutional agreement must now be found with the other institutions, and then adopted by all of them in accordance with their own decision-making processes.

The Commission will invite all institutions and advisory bodies to a political kick-off meeting on 3 July to start the dialogue and the negotiations. From that point onwards, it will be for the EU institutions to reach an agreement on the Commission's proposal.

#### **For More Information**

[Proposal for the creation of an interinstitutional Ethics Body](#)

[Press release](#)

[Factsheet](#)

Website: [Ethics and integrity for Members of the European Commission](#)

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