

**ADVISORY COMMITTEE
ON THE CONDUCT OF MEMBERS
2023 ANNUAL REPORT**

FOREWORD

In accordance with Article 10 (7) of the Code of Conduct for Members of the European Parliament regarding integrity and transparency, the Advisory Committee on the Conduct of Members (hereafter: Advisory Committee) publishes an annual report on its work.

The Annual Report on the work of the Advisory Committee from 1 January to 31 December 2023 was adopted by the Committee on 19 March 2024.

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Summary

This report covers the activities of the Advisory Committee on the Conduct of Members in the period from 1 January to 31 December 2023.

The Advisory Committee was asked to examine two cases of possible violations of the Code of Conduct.

The Committee received two requests from Members seeking its guidance on the interpretation and implementation of the provisions of the Code of Conduct. The Committee provided its counsel in confidence and within the deadline foreseen by the Code of Conduct.

The year 2023 was an important year for the Advisory Committee. Parliament adopted amendments to its Rules of Procedure with a view to strengthening integrity, independence and accountability, and the Committee contributed to this process. The Committee had to observe the compliance of two different versions of the Code of Conduct, with the new version entering into force on 1 November 2023. The Committee also continued to reflect on ways to improve its functioning and raise Members' awareness of their ethical and transparency obligations.

In accordance with the Implementing Measures for the Code of Conduct, the competent administrative service (the Members' Administration Unit within DG Presidency, which provides secretariat services for the Advisory Committee) continued performing a general plausibility check on the Declarations of Financial Interests and the new Declaration of Private Interest submitted by Members. Furthermore, following a longstanding practice, the Members' Administration Unit continued to respond to inquiries put forward by Members or their assistants with a view to helping them correctly apply the provisions of the Code and its Implementing Measures.

The new Code of Conduct introduces a new Declaration of Private Interests (DPI) replacing the Declaration of Financial Interests (DFI). The validity of the DFIs expired on 31 December 2023.

Between 1 November and 31 December 2023, 623 DPIs were submitted. In addition, 342 new Declarations on Awareness of conflict of interests, 6 Declarations of Assets and 113 Declarations of Input were submitted in accordance with the new rules.

In 2023, 313 Declarations of Attendance at events organised by third parties were submitted and 338 gifts were notified by Members. A record number of 20 301 meetings with interest or third country representatives were published.

1 BACKGROUND

On 13 September 2023, Parliament adopted amendments to its Rules of Procedure with a view to strengthening integrity, independence and accountability. Following these amendments, a new Code of Conduct for Members of the European Parliament regarding integrity and transparency (Annex I to Parliament’s Rules of Procedure) entered into force on 1 November 2023, followed by new Implementing Measures. Therefore, during the year 2023, the Advisory Committee had to work with two different versions of the Code of Conduct.

The general objectives of the Code of Conduct did not change; it continues to set out the guiding principles of conduct and the main duties of Members in the exercise of their mandates. This said, two elements were changed: the addition to the guiding principles of respect for Parliament’s dignity and a broader definition of direct or indirect interest.

The new Code of Conduct also provides a more detailed definition of “conflict of interest” and more specific steps to address it.

Previous definition of conflict of interest

Personal interest that could improperly influence the performance of his or her duties as a Member.

New definition of conflict of interest entered into force on 1 November

A conflict of interest exists where the exercise of the mandate of a Member of the European Parliament in the public interest may be improperly influenced for reasons involving his or her family, emotional life or economic interest, or any other direct or indirect private interest.

The primary obligation of Members is to make every reasonable effort to detect conflicts of interests, and when becoming aware of any, immediately endeavour to resolve it. If unable to resolve the conflict of interest, Members need to declare it in their Declaration of Private Interest. They shall also disclose, before speaking or voting in plenary or in one of Parliament’s bodies, any conflict of interest in relation to the matter under consideration. Moreover, according to the new rules, office holders, rapporteurs, shadow rapporteurs, including for opinion, and participants in an official delegation or in interinstitutional negotiations also have to submit a Declaration on Awareness of Conflict of Interest.

The new rules changed the Members’ disclosure obligations by:

- modifying two of the existing declarations:
 - ❖ the Declaration of Financial Interests became the Declaration of Private Interests (DPI)
 - ❖ the Notification of gifts.
- introducing 3 new declarations:
 - ❖ the Declaration on Awareness of Conflicts of Interest
 - ❖ the Declaration of Assets
 - ❖ the Declaration of Input;

- extending the obligation of Publication of meetings with interest representatives (lobbyists).

The obligation to declare the payment or reimbursement of expenses following the attendance in third party events remained unchanged.

Main changes to Members' obligations

The validity of the old Declaration of Financial Interests expired on 31 December 2023. Therefore, Members were invited to submit the new Declaration of Private Interests before the end of December 2023. The new Declaration of Private Interests contains information about activities before taking up office with the Parliament, side activities alongside the exercise of the mandate and any additional information that the Member wishes to provide.

In addition, the information has to be provided in a more precise and detailed manner than in the previous Declaration of Financial Interests. For each separate item, the respective amount of income and, where relevant, its periodicity, needs to be declared. Other benefits must be described in nature. For any remunerated activity, the name of the entity as well as the field and the nature of the activity needs to be specified.

As mentioned above, according to the new version of Article 3 of the Code of Conduct, holders of certain offices or functions must make a declaration indicating whether or not they are aware of having a conflict of interest in relation to those responsibilities in the Parliament. The obligation covers only appointments made after 1 November 2023.

When a possible conflict of interest arises during the exercise of the Member's office, and within 15 calendar days from becoming aware of it, the Member must inform the parliamentary body concerned, by writing to the President or relevant Chair. The objective of this new declaration is to raise awareness of the importance to assess the potential conflict of interest, in order to avoid such a situation.

Article 5 of the new Code of Conduct introduces a new Declaration of Assets. For the current legislature, the obligation to declare assets and liabilities applies only to Members taking up their seat as of 1 November 2023. These declarations are to be submitted to the President in a sealed envelope and, in case of legal proceedings linked to judicial investigations involving the Member concerned, will be accessible only to relevant authorities.

The new rules (Article 7 of the new Code of Conduct) require all Members to publish online all scheduled meetings relating to parliamentary business with interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register; or with representatives of public authorities of third countries, including their diplomatic missions and embassies.

The new Code of Conduct also requires that rapporteurs shall list, in an annex to their report or opinion, the entities and persons from whom they received input on matters pertaining to the subject of the file. This replaced the previously voluntary "legislative footprint". It is to be noted, that the Declaration of Input is wider than the obligation to publish meetings. EU institutions or Member States are also covered by this requirement and need to be listed.

Members' disclosure obligations laid down in the Code of Conduct are complemented by the Implementing Measures for the Code of Conduct. Pursuant to the new version of these provisions, Members continue to be required to declare without delay their attendance at events organised by third parties, if their travel, accommodation and/or subsistence expenses were paid or reimbursed by others (except certain categories: EU institutions, Member States authorities, international organisations, political parties, etc.).

The rules concerning gifts to Members were simplified. They shall refrain from accepting, in their capacity as Members, any gifts or similar benefits with an approximate value above EUR 150. If the Members are representing the Parliament in official capacity, they shall notify and hand over gifts of more than EUR 150. If Members receive a gift above this value while not representing the Parliament in official capacity, but they cannot return it for reasons of courtesy, the gift needs to be notified and handed over.

Aside from the Declaration of Assets, all declarations and the register of official gifts are directly accessible on the Parliament's public website.

All the aforementioned changes to the disclosure obligations reflect Parliament's strong commitment to enhance transparency and ethics. Moreover, the new Code of Conduct provides for a stronger mechanism of monitoring and enforcement of its provisions, including new competences for the Advisory Committee.

Following the changes in the Code of Conduct, new rules of procedure were adopted for the Advisory Committee on 14 November 2023.

According to the new rules, the Advisory Committee is now composed by eight Members and assesses alleged breaches of the Code of Conduct, advises the President on possible action to be taken not only upon request of the President but also when directly signalled to it. The rules establish a new role for the Advisory Committee of proactively monitoring the compliance by Members with the Code of Conduct and its implementing measures and of signalling to the President any possible breaches.

2 THE ADVISORY COMMITTEE ON THE CONDUCT OF MEMBERS

2.1 Composition

During 2023 the Advisory Committee had two compositions. According to Article 7 (2) and (3) of the previous Code of Conduct, at the beginning of the term, the President appointed five permanent members from amongst the members of the Parliament's Committee on Constitutional Affairs and Committee on Legal Affairs, taking due account of their experience and of political balance.

According to the rules applicable at that time, for the second two and a half years during the 9th parliamentary term the permanent members composing the Advisory Committee, appointed by the President on 16 March 2022, were:

- Ms Danuta Maria HÜBNER (EPP, Poland);
- Mr Giuliano PISAPIA (S&D, Italy);

- Mr Pascal DURAND (then Renew, France), replaced by Mr Gilles BOYER (Renew, France) on 7 December 2022;
- Ms Heidi HAUTALA (Greens/EFA, Finland);
- Mr Geert BOURGEOIS (ECR, Belgium).

At the beginning of the term of office, the President also appointed a reserve member for each political group that was not represented among the permanent members of the Advisory Committee:

- Mr Gerolf ANNEMANS (ID, Belgium);
- Mr Helmut SCHOLZ (The Left, Germany).

Since the changes in the Rules of Procedure and in the Code of Conduct that entered into force on 1 November 2023, the Advisory Committee is composed of eight current Members of the European Parliament, appointed by the President, taking due account of the Members' experience and of political but also gender balance.

In order to comply with the new rules on the composition of the Advisory Committee until the end of this term, the President communicated her decision to maintain the five previous permanent members of the Committee. In addition she appointed the two former reserve members as permanent and one new member. Since 1 November 2023 the eight permanent members of the Advisory Committee are:

- Ms Danuta Maria HÜBNER (EPP, Poland);
- Mr Giuliano PISAPIA (S&D, Italy);
- Mr Gilles BOYER (Renew, France);
- Ms Heidi HAUTALA (Greens/EFA, Finland);
- Mr Geert BOURGEOIS (ECR, Belgium);
- Mr Gerolf ANNEMANS (ID, Belgium);
- Mr Helmut SCHOLZ (The Left, Germany);
- Ms Monika HOHLMEIER (EPP, Germany).

2.2 Chair-in-Office

The rotation principle for the Chair of the Advisory Committee did not change with the new rules; the office of chair shall rotate every six months and the rotation follows the numerical strength of the political groups represented in the Advisory Committee.

In 2023, following the rotation principle, Mr. Giuliano PISAPIA (January-March), Mr. Gilles BOYER (April-September) and Ms Heidi HAUTALA (October-December) served as Chairs.

2.3 Meetings in 2023

The calendar of meetings of the Advisory Committee for 2023 was adopted on 13 December 2022 and the Advisory Committee subsequently met on six occasions as follows:

Calendar of actual meetings in 2023

Tuesday 17 January
Tuesday 24 January (Extraordinary Meeting)
Tuesday 28 February
Tuesday 28 March
Tuesday 19 September
Tuesday 14 November

2.4 Tasks

The Advisory Committee is responsible for:

- Providing guidance to Members upon their request on the interpretation and implementation of the provisions of the Code of Conduct.

As it was the case in the previous Code of Conduct, according to article 10 (5) of the new Code of Conduct, the Advisory Committee provides guidance in confidence and within 30 calendar days. Any Member can address the Committee with a request for guidance on the interpretation and implementation of the provisions of the Code and is entitled to rely on such guidance.

- Assessment of alleged breaches of the Code of Conduct and advising the President on possible action to be taken.

Similarly to what was foreseen by the previous rules, under the New Code of Conduct this assessment occurs at the request of the President.

Where there is reason to believe that a Member may have breached the Code of Conduct, the President shall refer the matter to the Advisory Committee. The Advisory Committee then examines the circumstances of the alleged breach, and may hear the Member concerned. The Committee makes a recommendation to the President on a possible decision. With the new Code of Conduct, the Advisory Committee can, in addition, include also a recommendation of a penalty where appropriate.

The new Code of Conduct introduces also the provision that possible breaches of the Code of Conduct can be directly signalled to the Advisory Committee, without a need of referral

by the President. The Advisory Committee assesses them and advises the President on possible action to be taken.

In both cases, if, taking into account the recommendation of the Advisory Committee, the President concludes that the Member concerned has indeed breached the Code of Conduct, he or she may adopt a reasoned decision laying down a penalty according to the Rules of Procedure.

- Compliance monitoring

According to the new Code of Conduct, the Advisory Committee has the new task to proactively monitor compliance by Members with the Code of Conduct and its implementing measures. It shall signal to the President any possible breaches of those provisions.

- Awareness raising campaign to Members by the Advisory Committee

The new Code of Conduct also establishes, in Article 10 (7) the new obligation for the Advisory Committee to raise Members' awareness of the Code of Conduct and its implementing measures on a regular basis.

For this, according to Rule 7 of its Rules of Procedure, the Advisory Committee will carry out an information campaign aimed at all Members on their obligations under the aforementioned rules at least once per year.

2.5 Cases examined and guidance provided

For all the cases of referral and guidance in 2023, the Advisory Committee applied the previous version of the Code of Conduct, in force until end of October 2023.

2.5.1 Possible breaches of the Code of Conduct

In 2023, the President referred to the Advisory Committee two possible breaches of the Code of Conduct.

- Possible breach of the disclosure obligations in the Declaration of Financial Interests

The first referral concerned an alleged situation of non-disclosure in the Declaration of Financial Interests of an outside activity undertaken alongside the exercise of the mandate as MEP, as established in Article 4 (2) (c) of the previous Code of Conduct.

In its assessment, the Advisory Committee noted that Members are personally responsible for providing precise and detailed information in their Declarations of Financial Interests and that the disclosure obligations, also the Declaration of Financial Interests, aim equally "at informing the public of the risks of [a Member] being subject to conflicts of interest"¹.

In its recommendation to the President, the Advisory Committee, after receiving information in writing from the Member concerned, concluded that with the information accessible no breach of the Code of Conduct could be established in that case.

¹ Judgment of 15 July 2015, *Dennekamp v Parliament*, T-115/13, EU:T:2015:497, paragraph 106.

- Possible breach of the disclosure obligations concerning attendance pursuant to an invitation at events organised by third parties

The second referral concerned a possible breach of the Code of Conduct for not disclosing the attendance at events organised by third parties where travel, accommodation and/or subsistence expenses have been covered by a third party by no later than the last day of the next month following the final day of the Member's attendance at the event.

The Advisory Committee on the Conduct of Members concluded that Members of the European Parliament are personally responsible for submitting Declarations of Attendance pursuant to an invitation at events organised by third parties. Beyond revealing any potential conflict of interest, the disclosure obligations aim equally “at informing the public of the risks of [a Member] being subject to conflicts of interest”. This aim can only be achieved when Members accurately and timely declare their attendance at events, where their travel, accommodation and/or subsistence expenses are fully or partly covered by a third party.

In its recommendation to the President, the Advisory Committee concluded that there was a breach of the Code of Conduct, which was however resolved by the late submission of the relevant declaration.

2.5.2 Guidance on the interpretation and implementation of the Code of Conduct

During the year 2023, the Advisory Committee received, under the first subparagraph of Article 7 (4) of the Code of Conduct applicable at that time, two formal requests for guidance by Members on the interpretation and implementation of the Code of Conduct.

The questions submitted in both cases requested guidance related to the clarification of the applicable exemptions from the disclosure obligations, related to attendance pursuant to an invitation at events organised by third parties where the Members' travel, accommodation and/or subsistence expenses are fully or partly covered by a third party.

The Advisory Committee noted that the list of third parties' categories set in Article 6 (2) of the Implementing Measures, for which Members are exempted from their attendance disclosure obligation, despite the payment or reimbursement of expenses by a third party, is a closed list. Article 6 (2) of the Implementing Measures constitutes an exception to the applicable general rule as defined in paragraph 1 of the same Article. As such, the Advisory Committee noted that it should be interpreted narrowly, according to settled case-law of the Court of Justice².

The list mentioned above does not include the following entities and, therefore, attendance to events by these third parties should be declared:

- universities, research and academic institutions;
- associations which are a distinct association in legal terms, even if affiliated to a national political party;
- any organisation created or supported by a political party which is engaged in lobbying activities;

² Judgment of 16 July 2009, Infopaq, C-5/08, EU:C:2009:465, paragraph 56.

- social partners , when the event is not directly linked to their participation in social dialogue pursuant to Article 152 TFEU (e.g. umbrella organisations, tasks related to national public authorities at EU or international level or work for targeted representation of interests).

3 ACTIVITIES LINKED TO THE CODE OF CONDUCT

3.1 Submission and updating of Members' Declarations of Financial Interests and Declarations of Private Interests

Pursuant to Article 4 (1) of the previous Code of Conduct, Members were personally responsible for submitting a detailed Declaration of Financial Interests by the end of the first part-session after elections to the European Parliament or within 30 days of taking up office with the Parliament in the course of a parliamentary term. The new Code of Conduct contains the same requirement as for the Declaration of Private Interests.

In 2023, 14 incoming Members submitted their Declarations of Financial Interests.

After the changes in the Rules of Procedure and the Code of Conduct that entered into force on 1 November 2023, in total 623 Declarations of Private Interests have been submitted in 2023. Among these, 7 incoming Members who started their mandate as of October 2023, submitted a Declaration of Private Interests.

3.2 Submission of other declarations

Members' disclosure obligations, changed by the new rules of the Code of Conduct, also introduced three new declarations:

- The Declaration on Awareness of Conflicts of Interest: Holders of certain offices or functions need to make a declaration indicating whether or not they are aware of having a conflict of interest in relation to those responsibilities in the Parliament. Since the changes came into force on 1 November 2023, no member has indicated a conflict of interest.
- The Declaration of Assets: For the current legislature, the obligation to declare assets and liabilities applies only to Members taking up their seat as of 1 November 2023. All declarations were submitted.
- The Declaration of Input: The new Code of Conduct requires that rapporteurs shall list, in an annex to their report or opinion, the entities and persons from whom they received input on matters pertaining to the subject of the file. In 2023, the Plenary Services already received 113 reports with a Declaration of Input.

The new rules (Art. 7 of the Code of Conduct) also require Members to publish online all scheduled meetings relating to parliamentary business with interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register; or with representatives of public authorities of third countries, including their diplomatic missions and embassies.

In 2023, a total of 338 gifts were declared under the old rules. This is a significant increase from previous years. Concerning the Notification of gifts, the new rules establish that only gifts above 150 EUR are to be declared.

Declarations of Attendance to third party events were not changed by the new rules. In 2023, 313 declarations were submitted.

3.3 Monitoring procedure for compliance with the Code of Conduct

Article 9 of the previous Implementing Measures for the Code of Conduct laid down the rules of a monitoring procedure to be conducted by the competent service with regard to Members' Declarations of Financial Interests. According to that article, where there is reason to think that a declaration contains manifestly erroneous, flippant, illegible or incomprehensible information, a general plausibility check is carried out, on behalf of the President, by the Members' Administration Unit in DG Presidency, for clarification purposes. The Member concerned is allowed a reasonable time to react.

The new Code of Conduct and its implementing measures broaden the scope of this monitoring. The Advisory Committee, on behalf of the President, and based on inter-services exchange of information and sources available to the public, has to monitor compliance with the Code of Conduct and its implementing measures.

3.4 Statistics

		2019 2nd half	2020	2021	2022	2023
Declarations of Financial Interests (DFI)	New (incoming MEPs)	759	39	9	30	16
	Updates (MEPs-in-office)	47	129	93	69	128
	Total	806	168	102	99	144
Declarations of Private Interests (DPI)	New (incoming MEPs after 1 November)	N/A	N/A	N/A	N/A	7
	New (in-office MEPs)	N/A	N/A	N/A	N/A	616
	Total	N/A	N/A	N/A	N/A	623
Declarations of Attendance at events organised by third parties		79	31	56	82	313
Notifications of Gifts		N/A	3	1	52	338
Declarations on Awareness of Conflict of Interest		N/A	N/A	N/A	N/A	342
Declarations of Assets		N/A	N/A	N/A	N/A	6
Intergroup DFIs published		N/A	27	27	4	29
Declarations of Input		N/A	N/A	N/A	N/A	113

4 ADMINISTRATION

The Members' Administration Unit in DG Presidency provides secretariat services to the Advisory Committee and has been designated by the Secretary-General as the competent service under Articles 7, 8, 9, 14 and 15 of the new Implementing Measures for the Code of Conduct. Its contact details are the following:

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