

**ADVISORY COMMITTEE  
ON THE CONDUCT OF MEMBERS  
2022 ANNUAL REPORT**

## **FOREWORD**

In accordance with Article 7(6) of the Code of Conduct for Members of the European Parliament with respect to Financial Interests and Conflicts of Interest (Annex I to the Rules of Procedure of the European Parliament; hereafter: Code of Conduct), 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 2022 was adopted by the Committee on 28 March 2023.

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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 2022.

The Advisory Committee was asked to examine one case of possible violations of the Code of Conduct.

The Committee received three 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 Committee continued to apply the highest standards of ethics and transparency at the service of the Members and the institution.

The Committee also continued to reflect on how to improve its functioning and raise Members awareness on their ethics and transparency obligations under the Code of Conduct. Furthermore, the Committee is committed to contributing to strengthening integrity, independence and accountability in the framework of the current Parliament's first steps and medium to longer term measures, on the basis of its experience.

In accordance with Article 9 of 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 submitted by Members in the course of the year. 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 number of updated declarations of financial interests submitted was 99, corresponding to 88 Members. Among them, 30 declarations were submitted by incoming Members. Moreover, 82 declarations of attendance at events organised by third parties were submitted by 38 Members. Finally, 52 gifts were notified.

## 1 BACKGROUND

The Code of Conduct for Members of the European Parliament with respect to Financial Interests and Conflicts of Interest sets out the guiding principles of conduct and the main duties of Members in the exercise of their mandates. According to the guiding principles, Members shall act solely in the public interest and shall not accept any direct or indirect financial benefit or other reward.

Pursuant to Article 2(c) of the Code of Conduct, Members shall not engage in paid professional lobbying directly linked to the Union decision-making process. Restrictions on the circumstances under which former Members are instead entitled to carry out lobbying or representational activities are set out under Article 6 of the Code of Conduct.

The Code of Conduct provides a definition of “conflict of interest” (i.e. a personal interest that could improperly influence the performance of a Member’s duties) and establishes the necessary steps to address it. If the Member is unable to resolve the actual or potential conflict of interest, he or she shall report this in writing to the President. Where such conflict is not evident from his or her Declaration of Financial Interests, the Member shall also disclose any actual or potential conflict of interest before speaking or voting in plenary or in one of Parliament’s bodies, or if proposed as a rapporteur, in relation to the matter under consideration.

Furthermore, the Code of Conduct establishes detailed rules regarding the Declaration of Financial Interests. In particular, Members are held responsible for submitting a declaration containing all the required mandatory information in a precise manner (e.g. remunerated or unremunerated occupations, activities, memberships for the three years before becoming a Member and also during the mandate, holdings, support received and respective income category). Members are free to provide any additional information. The initial declaration is due by the end of the first plenary session after the European elections or within 30 days of taking up office as a Member during the course of the parliamentary term. If any change occurs, a revised declaration must be submitted by the end of the following month. Members may not be elected as office-holders of Parliament or its bodies, be appointed as rapporteur or participate in an official delegation or interinstitutional negotiations if they have not submitted their Declaration of Financial Interests.

Members’ disclosure obligations are complemented by the Implementing Measures for the Code of Conduct. Pursuant to these provisions, Members are required to declare without delay their attendance at events organised by people or organisations outside an EP official delegation, 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.).

Members are required to notify the President and hand over all gifts they receive when representing Parliament in an official capacity. In addition, in the performance of their duties, Members shall refrain from accepting gifts with an approximate value above EUR 150.

These declarations and the register of official gifts are directly accessible on Parliament’s public website.

All the aforementioned disclosure obligations reflect Parliament’s strong commitment to transparency and ethics. Moreover, the Code of Conduct provides for a mechanism of monitoring and enforcement of its provisions.

At the request of the President, the Advisory Committee examines any alleged breach to the Code of Conduct and the President may adopt a decision laying down one of the penalties referred to in Rule 176 of Parliament's Rule of Procedure.

## **2 THE ADVISORY COMMITTEE ON THE CONDUCT OF MEMBERS**

### **2.1 Composition**

The Advisory Committee was established by Article 7(1) of the Code of Conduct.

Pursuant to Article 7(2) and (3) of the Code of Conduct, at the beginning of his or her term, the President appoints five permanent members from amongst the members of Parliament's Committee on Constitutional Affairs and Committee on Legal Affairs, taking due account of their experience and of political balance.

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 his or her term of office, the President also appoints a reserve member for each political group that is not represented among the permanent members of the Advisory Committee. For the second two and a half years during the 9th parliamentary term, the reserve members were:

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

### **2.2 Chair**

In accordance with the second subparagraph of Article 7(2) of the Code of Conduct, each permanent member of the Advisory Committee serves as Chair for six months on a rotating basis. Article 3 of the Committee's Rules of Procedure further specifies that, in principle, rotation follows in descending order the size of the political groups to which the members of the Committee belong.

In 2022, Ms HÜBNER and Mr PISAPIA were the permanent members of the Advisory Committee who served as Chairs.

### **2.3 Meetings in 2022 and 2023**

The calendar of meetings of the Advisory Committee for 2022 was adopted on 26 April 2022 and the Advisory Committee subsequently met on eight occasions as follows:

<b>Calendar of actual meetings in 2022</b>
Tuesday 26 April (constitutive meeting)
Tuesday 17 May
Wednesday 15 June
Tuesday 5 July
Wednesday 14 September
Tuesday 27 September
Tuesday 18 October
Tuesday 13 December

On 13 December 2022, the Advisory Committee adopted its calendar of meetings for 2023:

<b>Calendar of meetings in 2023</b>
Tuesday 17 January
Tuesday 28 February
Tuesday 28 March
Tuesday 25 April
Tuesday 30 May
Tuesday 27 June
Tuesday 18 July
Tuesday 19 September
Tuesday 24 October
Tuesday 14 November
Tuesday 5 December

### **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.

In accordance with the first subparagraph of Article 7(4) of the Code of Conduct, the Advisory Committee gives 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.

This assessment occurs at the request of the President pursuant to the second subparagraph of Article 7(4) and Article 8 of the Code of Conduct.

Where there is reason to think that a Member may have breached the Code of Conduct, the President shall - except in manifestly vexatious cases - 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.

If, taking into account that recommendation, the President concludes that the Member concerned has indeed breached the Code of Conduct, he or she shall adopt a reasoned decision laying down a penalty according to Rule 176 of the Rules of Procedure.

## **2.5 Work carried out during the year**

### **2.5.1 Possible breaches of the Code of Conduct**

In 2022, the President referred to the Advisory Committee one possible breach of the Code of Conduct.

The referral concerned an alleged situation of conflict of interest regarding a Member's participation in the vote of a Parliament's resolution and an outside activity undertaken alongside the exercise of the MEP mandate, as well as any possible 'undue influence' within the meaning of Article 2(b) of the Code of Conduct.

In its assessment, the Advisory Committee noted that Members must avoid any irresponsible conduct which appears to give rise to an actual or potential conflict of interest and that the disclosure obligations, in particular the Member's declaration of financial interests, are also aimed at 'informing the public of the risks of [Members] being subject to conflicts of interest'<sup>1</sup>.

In its recommendation to the President, the Advisory Committee, after hearing the Member concerned, concluded that no breach of the Code of Conduct could be established in this case.

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

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

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

- Conflict of interest and spouse's professional activity

The first case concerned a request for guidance by a Member on a possible situation of conflict of interest in relation to an appointment as rapporteur for a specific file and the spouse's professional activity.

The Advisory Committee noted the applicable rules under the Code of Conduct and, in particular the Members' obligation to take the necessary steps to resolve a conflict of interest.

The Committee also pointed out that the jurisprudence of the Court of Justice of the European Union to date has clarified that the Code of Conduct in its Article 3 defines 'conflict of interest' not only as a private interest which actually influences the Member in the performance of his or her duties, but also as 'a situation in which the interest identified may, in the eyes of the public, appear to influence the impartial and objective performance' of the Member's duties<sup>2</sup>.

The Advisory Committee was of the opinion that the spouse's professional activity could, in the eyes of the public, appear to influence the Member's performance as rapporteur, even if the Member would act in an impartial and objective way and no actual personal interest would improperly influence the exercise of the rapporteur's duties.

Therefore, the Advisory Committee recommended to the Member to consider relinquishing the rapporteurship in the concerned file as an appropriate course of action to prevent any real or potential conflict of interest.

- Conflict of interest and outside activities

The second request for guidance related to the Member's committee memberships and the activity exercised alongside the mandate.

In this case, the Advisory Committee reminded that any regular remunerated activity must be declared in the Member's declaration of financial interests, in accordance with Article 4(2)(c) of the Code of Conduct and that this declaration needs to be made in a precise manner to comply with the letter and the spirit of the Code of conduct, also in view of informing the public of any potential risks of conflict of interest.

Furthermore, the Advisory Committee considered that it could not be excluded that the Member's work could lead to a situation of conflicts of interest, in particular taking into account the competences of the committees in question.

Therefore, the Advisory Committee considered that the Member should pay particular attention to the general and specific disclosure obligations, and to the obligation to address any actual or potential conflict of interest, in accordance with Article 3 of the Code of Conduct, by abstaining from involvement in parliamentary (including drafting of amendments and participation to the vote) or work activities in areas that may affect one or the other.

- Conflict of interest and share ownership

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<sup>2</sup> Judgment of 15 July 2015, *Dennekamp v Parliament*, T-115/13, EU:T:2015:497, paragraph 106.



The last case related to the possibility of owning shares of stock and receive stock units, while disclosing this information in the declaration of financial interests and to the existence or not of a conflict of interest in cases of minority shareholding and meetings with representatives from the company concerned.

In this context, the Advisory Committee noted that there is no general obligation in the Code of Conduct to declare all stocks a Member may own. However, for reasons of transparency and in view of informing the public of any potential risks of conflict of interest, 'any holding in any company or partnership, where there are potential public policy implications or where that holding gives the Member significant influence over the affairs of the body in question' must be declared in the Member's Declaration of Financial Interests. The same applies for 'any financial interests which might influence the performance of the Member's duties' and for any 'membership of any boards or committees of any companies' (Article 4(2) (d) (f) and (h) of the Code of Conduct).

The Advisory Committee was of the opinion that a minor shareholder can find himself or herself in a conflict of interest within the meaning of Article 3 of the Code of Conduct, since the small percentage of shares owned in a particular company does not prevent the possible existence of a personal interest that could improperly influence the performance as a Member.

The Committee also considered that any disclosure of meetings, mandatory or voluntary, is without prejudice to the Member's obligation of resolving the conflict of interest in line with the Code of Conduct.

In light of the above, the Advisory Committee recommended to the Member not to be involved in the drafting of amendments and not to take part in the vote in committee and/or in plenary and not to take up certain offices and/or duties on subjects that may give the impression to the public that the Member is acting in a conflict of interest situation in relation to the company whose shares are owned by him/her.

In addition, throughout this period the Secretariat continued, following its well established practice, 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.

### **2.5.3. Improving the Committee's functioning and raising MEPs' awareness**

The Advisory Committee is convinced that effective implementation of Parliament's rules on ethics, integrity and transparency is crucial for the preservation of the dignity of Parliament and citizens' trust. Therefore, building on the experience gained, the Committee reflected on how to improve its functioning and the existing framework to best serve the Institution and the Members.

The Advisory Committee reflected on issues such as the extent of the non-binding advice it could provide to the President; and better ways to communicate with Members and raise their awareness on ethical, integrity and disclosure obligations, including in the area of 'conflict of interests', also by making better use of the annual report published by the Committee.

The Committee also considered reviewing possible shortcomings in the implementation of the applicable rules and was willing to reflect on wider improvements.

This reflection will now continue in the framework of the implementation of the proposals on “Strengthening integrity, independence and accountability - First steps”, endorsed by the Conference of Presidents on 8 February 2023, and of medium to longer term measures.

### **3 ACTIVITIES LINKED TO THE CODE OF CONDUCT**

#### **3.1 Submission and updating of Members’ declarations of financial interests**

Pursuant to Article 4(1) of the Code of Conduct, Members are 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. In 2022, 30 incoming Members submitted their declarations of financial interests.

In addition, Article 4(1) requires a Member to declare any change that has an influence on his or her declaration by the end of the month following the change occurring. As a result of this obligation, 69 updated declarations were submitted to the President by 58 Members, in the course of the year 2022.

#### **3.2 Monitoring procedure for Members’ declarations of financial interests**

Article 9 of the Implementing Measures for the Code of Conduct lays down the rules of a monitoring procedure to be conducted by the competent service with regard to Members’ declarations of financial interests.

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. Where the clarifications provided are deemed insufficient and thus the check does not resolve the matter, the President decides how to proceed. In 2022, no such case occurred.

Throughout the year, the monitoring procedure applies to new declarations submitted by incoming Members taking up office during the course of the parliamentary term. It also applies to amended versions of existing declarations.

### 3.3 Statistics

		2019 2nd half	2020	2021	2022
<b>Declarations of financial interests</b>	<b>New (incoming MEPs)</b>	759	39	9	30
	<b>Updates</b>	47	129	93	69
	<b>Total</b>	806	168	102	99
<b>Declarations of Attendance at events organised by third parties</b>		79	31	56	82
<b>Notifications of Gifts</b>		0	3	1	52

## 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 2, 3, 4 and 9 of the Implementing Measures for the Code of Conduct. Its contact details are the following:

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