

## **Advisory Committee on the Conduct of Members**

### **Rules of Procedure<sup>1</sup>**

#### *Rule 1*

#### *The Advisory Committee on the Conduct of Members*

The Advisory Committee on the Conduct of Members (hereafter "the Advisory Committee") shall exercise the functions laid down in Articles 10 and 11 of Annex I of the Rules of Procedure of the European Parliament (Code of Conduct for Members of the European Parliament regarding integrity and transparency - hereafter "Code of Conduct").

#### *Rule 2*

#### *Constituent meeting of the Advisory Committee*

1. The Advisory Committee shall meet within 30 calendar days of the entry into force of the President's decision appointing its members and reserve members.
2. At its constituent meeting, the Advisory Committee shall be provisionally chaired by the member having held office as member of the Advisory Committee for the longest period. In the absence of any such member, the provisional chair shall be the member having held office as Member of the European Parliament for the longest period. At the constituent meeting, the Committee shall also adopt the order of rotation of the Chair-in-office, in accordance with Rule 4. No other business shall be transacted while a member is provisionally in the chair by virtue of this paragraph. As soon as the rotation has been adopted, the member who is provisionally in the chair shall vacate the chair.
3. The Advisory Committee shall adopt its annual calendar of meetings at its constituent meeting.

#### *Rule 3*

#### *Members*

1. The term of office of permanent and reserve members of the Advisory Committee shall coincide with the term of office of the President of the European Parliament who appointed them.
2. If the request for guidance or the alleged breach of the Code of Conduct under assessment concerns a Member from a political group not represented in the Advisory Committee, the relevant reserve member shall sit on the Committee as a ninth full member of the Committee.
3. In the event of the end of mandate or resignation of one of its members, the Advisory Committee shall continue to fully exercise its functions until a new member is appointed by the President.

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<sup>1</sup> Adopted by the Advisory Committee on 14/11/2023.

4. In the event of an alleged breach of the Code of Conduct by a permanent or reserve member of the Advisory Committee, the member concerned shall not participate in any of the Committee's proceedings related to that alleged breach. He or she may, however, be heard by the Committee according to Rule 11 of these Rules.

*Rule 4*  
*Chair*

1. The Chair of the Advisory Committee shall rotate, in principle, following the numerical strength of the political groups represented in the Advisory Committee.
2. The order of rotation of the Chair-in-office shall be adopted for the term of office of the Advisory Committee and be published on Parliament's website.
3. In the event of the end of mandate or resignation of the Chair-in-office, the next member in the order of rotation shall assume office immediately for a period of six months. The order of rotation is adapted accordingly.

*Rule 5*  
*Meetings of the Advisory Committee*

1. The Advisory Committee shall aim to meet at least once a month.
2. The Advisory Committee shall adopt by the end of each year its calendar of ordinary meetings for the following year. This calendar shall be published on Parliament's website.
3. Extraordinary meetings of the Advisory Committee may be called by the Chair-in-office, or at the request of a majority of the Advisory Committee's permanent members.
4. The meetings of the Advisory Committee shall be held in camera. Only authorised staff shall be permitted to attend Advisory Committee meetings.
5. Any information, views exchanged or documents assessed during the meetings of the Advisory Committee which are not in the public domain shall be treated as confidential.
6. The quorum shall be met if five members of the Advisory Committee are present. The Chair-in-office, on request, establishes that a quorum is not present.

*Rule 6*  
*Decisions of the Advisory Committee*

1. The Advisory Committee shall take decisions on the basis of consensus. Where this is not possible, it shall decide by a simple majority of its full members.
2. A member or members of the Advisory Committee who are not in agreement with a recommendation of the Advisory Committee to the President on an alleged breach of the Code

of Conduct may submit a minority recommendation, which shall be forwarded to the President together with the Advisory Committee's recommendation.

3. For decisions other than a recommendation to the President on an alleged breach of the Code of Conduct, the Chair-in-Office may ask the Advisory Committee to decide by written procedure. In such cases, the Chair-in-office shall circulate to other members of the Advisory Committee a background note presenting the matter at hand, including a draft decision. Members of the Advisory Committee shall have 48 hours to approve or reject the draft text, or propose changes. Decisions by written procedure shall be recorded in the minutes of the Advisory Committee's following meeting.

*Rule 7*  
*Awareness raising*

The Advisory Committee shall raise Members' awareness of the Code of Conduct and its implementing measures on a regular basis by carrying out an information campaign aimed at all Members on their obligations under the aforementioned rules at least once per year.

*Rule 8*  
*Requests for guidance from Members*

1. The Advisory Committee shall reply, within 30 calendar days of the receipt of the request, to all requests from Members for guidance on the interpretation and implementation of the provisions of the Code of Conduct, by means of a confidential letter signed by the Chair-in-office.
2. Requests shall be submitted in writing only and addressed to the Advisory Committee via the Committee's email address.
3. The Advisory Committee may request supplementary information from the Member by email. If the Member requesting guidance does not clarify his or her request within 15 calendar days, the guidance shall be given on the basis of the information available. The deadline laid down in paragraph 1 shall be suspended for this period.

*Rule 9*  
*Compliance monitoring*

1. The Advisory Committee shall proactively monitor compliance by Members with the Code of Conduct and its implementing measures.
2. The secretariat shall, on behalf of the Advisory Committee, and based on inter-services exchange of information and sources available to the public, perform regular checks on Members' compliance with the Code of Conduct and its implementing measures, as well as random checks, and prepare, ahead of each meeting of the Advisory Committee, a list of any cases that might merit further consideration.

3. The Advisory Committee shall assess the cases referred to in paragraph 2 and, on a proposal by the Chair-in-office, decide if further action is needed.
4. Any alleged breaches of the Code of Conduct meriting further action shall be signalled to the President by means of a confidential letter signed by the Chair-in-office, including advice on possible action to be taken.

*Rule 10*  
*Consultation by the President*

1. Where the President consults the Advisory Committee pursuant to Articles 4(6) and 7(6) of the Code of Conduct, the Advisory Committee shall examine the allegedly substantially incorrect or out-of-date declaration of private interests or publication of meetings.
2. On a proposal by the Chair-in-office, the Advisory Committee shall conclude whether the declaration or publication complies with the Code of Conduct or not. If the Advisory Committee considers that the declaration or publication assessed does not comply with the rules, the recommendation to the President shall set out the elements of the declaration or publication which need to be completed or corrected.

*Rule 11*  
*Referral by the President of alleged breaches of the Code of Conduct*

1. Where the President has referred to the Advisory Committee the matter of an alleged breach of the Code of Conduct by a Member, the Advisory Committee shall appoint one of its members as rapporteur for the alleged breach. The rapporteur shall not be from the same political group as the Member alleged to have breached the Code of Conduct.
2. As part of its consideration of an alleged breach of the Code of Conduct, the Advisory Committee may hear the Member concerned.
3. The rapporteur shall prepare, for the Advisory Committee's consideration, a draft recommendation to the President on the alleged breach of the Code of Conduct. The draft recommendation shall present the facts of the case, the arguments presented by the Member concerned, an evaluation of these facts and arguments and a conclusion. The conclusion shall set out whether the Code of Conduct has been breached or not and shall include advice on possible action to be taken, including, where appropriate, a proposed penalty comprising one or more of the measures listed in Rule 176 of Parliament's Rules of Procedure.

*Rule 12*  
*Alleged breaches of the Code of Conduct signalled directly to the Committee*

1. The Advisory Committee shall keep the identity of complainants confidential if requested to do so, but shall not consider anonymous complaints.
2. Where the Advisory Committee receives information directly on an alleged breach of the Code of Conduct by a Member, the Committee shall first assess, on a proposal by the Chair-in-office,

whether the alleged breach falls within the scope of the Code of Conduct, and whether the complaint is manifestly unfounded.

3. The Advisory Committee may request information from the Member concerned by the alleged breach. The Member shall reply in 15 calendar days.
4. Where no satisfactory clarification is provided by the Member, the Advisory Committee shall proceed to examine the alleged breach of the Code of Conduct. Rule 11 shall apply *mutatis mutandis*.

*Rule 13*  
*Outside expertise*

Advice received from outside experts shall be treated in full confidentiality.

*Rule 14*  
*Annual Report*

1. The Advisory Committee shall adopt its annual report before the third meeting following the end of the year to which the annual report refers.
2. The annual report shall be sent to all Members and published on Parliament's website.

*Rule 15*  
*Publication and entry into force*

These Rules of Procedure shall be published on Parliament's website. They shall enter into force on the day of their adoption.