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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Delegations will find attached document COM(2023) 311 final, Annex 1.

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Brussels, 8.6.2023
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ANNEX 1

ANNEX

to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN
COURT OF JUSTICE, THE EUROPEAN CENTRAL BANK, THE EUROPEAN
COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

Proposal for an interinstitutional ethics body

ANNEX

Proposal for

an Agreement between the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for the Members of the Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union (TEU)

EXPLANATORY MEMORANDUM

Article 13(1) of the Treaty on European Union (TEU) provides that the European Union ‘shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions’.

The European institutions, in their respective missions, must rely on irreproachable conduct of their members. Members must abide by the ethical principles and obligations for individual members of the institutions set out in the EU Treaties as well as by the rules each institution derived from them.

For EU citizens to have trust in their democratic representatives in the European institutions and in the functioning of the institutions, the members of the institutions must meet the highest standards of independence and integrity.

The Treaties establish obligations for the members of most institutions and attribute responsibilities for ensuring the proper conduct of the members of the institutions with regard to the latter’s independence and integrity. The institutional balance established by the Treaties ensures checks and balances between the institutions. The Treaties notably established procedures allowing to react to misconduct of individual members of the institutions. Most institutions have chosen to implement this framework and the corresponding individual obligations in more detail, either in their rules of procedure or in Codes of Conduct for their members. The relevant provisions are:

The European Parliament

The Treaties do not establish explicit ethical obligations of Members of the European Parliament or explicit rules or procedures to be followed in case of ethical misconduct of a member at EU level. Parliament has laid down rules in a Code of Conduct for the Members of the European Parliament which is attached to its Rules of Procedure. Article 8 of the Code of Conduct for Members of the European Parliament on the procedure in the event of possible breaches of the Code of Conduct provides:

1. Where there is reason to think that a Member of the European Parliament may have breached this Code of Conduct, the President shall, except in manifestly vexatious cases, refer the matter to the Advisory Committee.

2. *The Advisory Committee shall examine the circumstances of the alleged breach, and may hear the Member concerned. Based on its findings, it shall make a recommendation to the President concerning a possible decision.*

In case of an alleged breach of the Code of Conduct by a permanent member or by a reserve member of the Advisory Committee, the member or reserve member concerned shall refrain from taking part in the proceedings of the Advisory Committee on that alleged breach.

3. *If, taking into account that recommendation, and having invited the Member concerned to submit written observations, the President concludes that the Member concerned has breached the Code of Conduct, he or she shall adopt a reasoned decision laying down a penalty. The President shall notify that Member of the reasoned decision.*

The penalty may consist of one or more of the measures listed in Rule 176(4) to (6) of the Rules of Procedure.

4. *The internal appeal procedures defined in Rule 177 of the Rules of Procedure shall be available to the Member concerned.*

Rule 176(4) to (6) of its Rules of Procedure – Penalties

4. *The penalty may consist of one or more of the following measures:*

- (a) a reprimand;*
- (b) forfeiture of entitlement to the daily subsistence allowance for a period of between two and thirty days;*
- (c) without prejudice to the right to vote in plenary, and subject, in this instance, to strict compliance with the Members' standards of conduct, temporary suspension from participation in all or some of the activities of Parliament for a period of between two and thirty days on which Parliament or any of its bodies, committees or delegations meet;*
- (d) prohibition of the Member from representing the Parliament on an inter-parliamentary delegation, inter-parliamentary conference or any interinstitutional forum, for up to one year;*
- (e) in the case of a breach of confidentiality, a limitation in the rights to access confidential or classified information for up to one year.*

5. *The measures laid down in points (b) to (e) of paragraph 4 may be doubled in the case of repeated breaches, or if the Member refuses to comply with a measure taken under Rule 175(3).*

6. *In addition, the President may submit a proposal to the Conference of Presidents for the suspension or removal of the Member from one or more of the offices held by that Member in Parliament, in accordance with the procedure laid down in Rule 21.*

The European Council

Article 15(5) TEU

The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President's term of office in accordance with the same procedure.

A Code of Conduct for the President of the European Council provides further rules for the expected conduct.

The Council

The Council of the European Union consists of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast the vote of this Member State (Article 16(2) TEU). The Rules of Procedure of the Council based on Article 240(3) TFEU do not establish any specific ethical obligations for individual ministers representing the Member States in the Council. They rely in this regard on the responsibility and internal decisions of each Member State to ensure that its votes and positions are correctly represented in the Council by the designated minister and that the designated individual contributes to, and respects, the proper functioning of the Council.

The European Commission

Article 245 TFEU

The Members of the Commission shall refrain from any action incompatible with their duties. Member States shall respect their independence and shall not seek to influence them in the performance of their tasks.

The Members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council acting by a simple majority or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with Article 247 or deprived of his right to a pension or other benefits in its stead.

A Code of Conduct for the Members of the European Commission defines and clarifies the obligations applicable to Members (OJ C 65, 21.2.2018, page 7 – 20).

The Court of Justice of the European Union

Article 6 of the Statute of the Court of Justice of the European Union (Protocol No. 3)

A Judge may be deprived of his office or of his right to a pension or other benefits in its stead only if, in the unanimous opinion of the Judges and Advocates-General of the Court of Justice, he no longer fulfils the requisite conditions or meets the obligations arising from his office. The Judge concerned shall not take part in any such deliberations. If the person concerned is a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

The Registrar of the Court shall communicate the decision of the Court to the President of the European Parliament and to the President of the Commission and shall notify it to the President of the Council.

In the case of a decision depriving a Judge of his office, a vacancy shall arise on the bench upon this latter notification.

A Code of conduct for Members and former Members of the Court of Justice of the European Union clarifies the obligations in more detail (OJ C 397, 30.9.2021, p. 1–8).

The Court of Auditors of the European Union

Article 286(5) and (6) TFEU

5. Apart from normal replacement, or death, the duties of a Member of the Court of Auditors shall end when he resigns or is compulsorily retired by a ruling of the Court of Justice pursuant to paragraph 6.

6. A Member of the Court of Auditors may be deprived of his office or of his right to a pension or other benefits in its stead only if the Court of Justice, at the request of the Court of Auditors, finds that he no longer fulfils the requisite conditions or meets the obligations arising from his office.

A Code of Conduct for the Members and former Members of the Court sets out the obligations in more detail (OJ L 128, 2.5.2022, p. 102–113).

The European Central Bank

Article 11(4) of the Statute of the European System of Central Banks and of the European Central Bank (Protocol No. 4) regarding the Members of its Executive Board

If a member of the Executive Board no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Governing Council or the Executive Board, compulsorily retire him.

A Code of Conduct for high-level ECB officials sets out the ethical obligations applicable to the members of the Governing Council and the members of the Supervisory Board when exercising their functions as members of a high-level ECB body, as well as to the members of the Executive Board (OJ C 478, 16.12.2022, p. 3–14).

The Committee of the Regions

Article 300(4) TFEU

The members of □...□ the Committee of the Regions shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.

The Code of Conduct for Members of the European Committee of the Regions (OJ L 20, 24.1.2020, p. 17–23) further implements this provision.

The European Economic and Social Committee

Article 300(4) TFEU

The members of the Economic and Social Committee □ ...□ shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.

The Rules of Procedure and Code of Conduct for members of the European Economic and Social Committee (OJ L 149, 31.5.2022, p. 1–54) further implement this provision.

The Treaties have thereby established a differentiated framework regarding the individual obligations of members of the institutions and the procedure to follow in case of misconduct. Most institutions have chosen to implement this framework and the corresponding individual obligations in more detail. Those institutions have adopted internal rules either in their rules of procedure or in Codes of Conduct for their members and usually entrusted their respective President with a special responsibility for the application of those rules. They usually also established an internal advisory body to assist the decision-making of the institutions regarding all or certain of those individual obligations of their members. There is currently no mechanism or forum to discuss, or coordinate, these internal measures among the institutions, even in areas where there are strong similarities between the institutions and their members. There is also no single place where the ethical rules and measures applicable to members of all institutions are publicly available.

The Political Guidelines of the President of the Commission issued on 16 July 2019 supported the creation of an ‘independent ethics body common to all EU institutions’, aiming at ensuring trust in the EU institutions regarding ‘ethics, transparency and integrity’.

The European Parliament worked between 2019 and 2021 on an own-initiative report on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body. Its resolution was adopted on 16 September 2021. The Commission sent a formal reply to Parliament on 18 February 2022. A subsequent resolution calling for the establishment of the ethics body was adopted on 16 February 2023.

An Ethics Body common to all institutions will allow developing common minimum standards with respect to the conduct of members of the institutions. It will thereby offer, for the first time, a possibility to all institutions to address the issue of ethical standards for their members as a matter of common interinstitutional interest. As regards the staff of the EU institutions, the Staff Regulations and the Conditions of Employment of other servants of the European Union have already put in place a comprehensive set of rules and procedures in the field of ethics and disciplinary action, which is applicable to the staff of all EU institutions, bodies, offices and agencies. This ensures identical standards and rules for the entire civil service of the EU that may be further clarified by implementing rules adopted by each institution. To allow for transparency and to promote a consistent application of the Staff Regulations, the rules implementing the Staff Regulations are compiled in a register held by the Court of Justice of the European Union and are the subject of a report presented every three years by the Commission to the European Parliament and the Council (Article 110 of the Staff Regulations). These efforts are supported by the well-established structures and mechanisms that achieve a common inter-institutional approach whenever the subject matter calls for it. The Commission considers that those well-established structures and mechanisms should examine, as a matter of priority, room for sharing good practices, lessons learnt and, where necessary, areas for further alignment of the rules for staff.

Staff members are outside the scope of this agreement, as there are already interinstitutional coordination mechanisms for ethical matters of staff members. Within the limits of the Staff Regulations and via the College of Heads of Administration, the Parties to this agreement should commit to strive for an equivalent level of standards to those adopted by the Body as regards Directors-General and equivalent.

Such formal interinstitutional mechanisms and common standards for staff, however, do not exist

for the members of the institutions, and this is precisely where lies the added-value of an Ethics Body covering the members of all EU institutions and advisory bodies.

The decision-making powers for the adoption and application of the internal ethical rules of each institution should remain within the respective institutions. The application of the internal rules is the primary responsibility of each institution which is exercised within the system of institutional balance with its checks and balances established by the Treaties. The institutions cannot renounce to exercise their respective powers which are entrusted to them by the Treaties. They cannot delegate the responsibility for the conduct of their members and their prerogative to react to breaches of ethical rules by individual members. However, by virtue of their administrative autonomy, they can decide to set up and share the assistance of an advisory body in developing common minimum standards for ethical behaviour of individual members and in matters concerning the preparation of their respective internal ethical rules and procedures regarding their members.

The setting up of this Body will not interfere with, or limit in any way, the investigative functions and therefore not overlap with the respective powers of the European Anti-Fraud Office, the European Public Prosecutor's Office, the national police and prosecutorial authorities and the European Ombudsman.

This Agreement is without prejudice to the 2021 Interinstitutional Agreement on a mandatory Transparency Register concluded between Parliament, Council and Commission as well as the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission concerning internal investigations by the European Anti-fraud Office.

To ensure ownership and provide added value, this Body should be a structure common to all institutions and advisory bodies providing guidance and assistance to them through advice on matters and in ways agreed by them.

In order to implement its commitment to support the creation of an ethics body common to all institutions and advisory bodies, the Commission proposes this agreement between these institutions and advisory bodies, which will be transmitted to the European Parliament, the European Council, the Council, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the Economic and Social Committee and the Committee of the Regions. In the spirit of sincere cooperation, it is important that an interinstitutional agreement be reached as soon as possible, and in such time so as to allow the ethics body to be set up before the next European elections. Upon its request, the European Investment Bank may also become a full Party to this Agreement after it enters into force. It shall become a Party to this Agreement as from the date it designates a representative in the Ethics Body. Any standards that could be developed by the Ethics Body prior to the effective membership of European Investment Bank shall fully apply to it.

Union bodies, offices and agencies, other than the participating institutions, may voluntarily wish to apply the entire set of current or future common standards developed by the Ethics Body to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under this agreement. In this case, they will take part to an exchange of views with the members of the Ethics Body on their respective internal rules related to areas where standards have been developed. They will designate a representative for the sake of that particular exchange of views. The same exchange of views will take place when new standards are developed or where existing ones are updated.

Proposal for

an Agreement between the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for the Members of the Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union

THE EUROPEAN PARLIAMENT,

THE EUROPEAN COUNCIL,

THE COUNCIL,

THE EUROPEAN COMMISSION,

THE COURT OF JUSTICE OF THE EUROPEAN UNION,

THE EUROPEAN CENTRAL BANK,

THE COURT OF AUDITORS,

THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE,

AND THE EUROPEAN COMMITTEE OF THE REGIONS

Whereas:

- (1) The purpose of this Agreement is to establish an Interinstitutional Body for Ethical Standards for the members of the Union institutions and advisory bodies listed in Article 13 (1) and (4) of the Treaty on the European Union ('the Body'). Upon its request, the European Investment Bank may also become a full party to this Agreement after it enters into force.
- (2) Union bodies, offices and agencies, other than the parties to this agreement, may choose to apply the entire set of current and future common minimum developed by the Body to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under this Agreement.
- (3) The Body's functioning should not impinge on the competences of any of the parties as set out in the Treaties or affect their respective powers of internal organisation or the system of checks and balances established by the Treaties. It shall also not impinge on the powers of European Anti-Fraud Office (OLAF) which has significant powers and expertise in investigating serious breaches of professional duties of members. All institutions, bodies, offices and agencies should recognise and support OLAF's mandate in full.
- (4) The effectiveness of the Union as a whole relies on its legitimacy, while its legitimacy in turn relies on trust of its citizens. Ethics, integrity and transparency are essential for maintaining the trust of Union citizens in the political, legislative and administrative work of the Union institutions.
- (5) Members of the Union institutions and advisory bodies have a particular responsibility to fully uphold and embody the ethical principles and obligations set out in the Treaties as well as by the rules each institution derived from them.
- (6) It is not only important that all Union institutions and advisory bodies set and apply clear and transparent rules but also that they have the same set of minimum standards of integrity

and independence as well as mechanisms to ensure compliance with their respective ethical rules.

- (7) Accordingly, the tasks of the Body should be to develop common minimum standards in a defined number of areas, to exchange views on the self- assessment made by an institution or advisory body on the alignment of its internal rules with those developed standards and to foster inter-institutional cooperation in this area.
- (8) The exchange of views, based on a self-assessment, should also apply to the Union bodies, offices and agencies, other than the parties, that voluntarily choose to apply the entire set of common minimum standards. To that end, they should designate a representative for the sake of the exchange of views.
- (9) Each party should strive to ensure gender parity in the appointment of its full and alternate representatives in the Body. The overall composition of the Body, comprising its (full and alternate) Members, including its Chair, as well as the independent experts should strive towards gender balance.
- (10) Nothing in this Agreement should prevent a party from imposing more stringent requirements for their members, in particular in consideration of a specific risk associated with the mandate and tasks of the party or of its members.
- (11) Nothing in this Agreement should, under any circumstance, constitute grounds for lowering the standards already applied by a party in the matters covered by this Agreement.
- (12) The parties should always act in mutual sincere cooperation in implementing this Agreement.
- (13) This Agreement is signed by the parties following completion of their respective internal procedures for that purpose,

AGREE AS FOLLOWS:

Article 1

Subject-matter and scope

1. This Agreement establishes an Interinstitutional Body for Ethical Standards ('the Body') for the members of the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions ('the parties'). It also sets out the framework and the operating principles thereof.
2. Upon its request, the European Investment Bank shall also become a full party to this Agreement. Its participation in the Body shall take effect as from the date it designates a representative in the Body, in accordance with Article 3. Any common minimum standards that could be developed by the Body prior to the effective participation of European Investment Bank shall fully apply to it.

Article 2

Definitions

1. For the purposes of this Agreement, ‘members of the parties’ means:
 - (a) the members of the European Parliament;
 - (b) the President of the European Council;
 - (c) the representatives at ministerial level of the Member State holding the Presidency of the Council;
 - (d) the members of the European Commission;
 - (e) the members of the Court of Justice of the European Union;
 - (f) the members of the Court of Auditors;
 - (g) the members of the Executive Board of the European Central Bank as well as the Members of the Governing Council and of the Supervisory Board when exercising their functions;
 - (h) the members of the European Economic and Social Committee;
 - (i) the members of the European Committee of the Regions.
2. In case the European Investment Bank becomes a party, in accordance with Article 1(2), the definition laid down in paragraph 1 of this Article shall be extended to cover the members of the Management Committee of the European Investment Bank as well as the Members of the Board of Directors when exercising their functions.

Article 3

Members of the Body

1. Each party shall be represented in the Body by one member. To that effect, each party shall appoint a full representative and an alternate representative who shall sit as a member of the Body when the full representative is absent or impeded. The full and alternate representatives shall be appointed at the maximum two months after the date of entry into force of the Agreement. Each party shall strive to ensure gender parity in the appointment of its full and alternate representatives.
2. The full representative of the Body shall, in principle, be at the level of a Vice-President or at an equivalent level.
3. Each party shall have full discretion to proceed with the replacement of its full or alternate representative, while always striving to ensure gender parity amongst the full and alternate

representatives. In any event, the term of the full or alternate representative shall automatically come to an end:

- (a) when the representative ceases to hold office in the Union institution or advisory body that it represents;
- (b) in any case five years after the first designation as full or alternate representative.

Article 4

Chair

1. Each party shall chair the Body on a rotating basis for a term of one year. The rotation shall follow the order of institutions laid down in Article 13(1) of the Treaty. Once the list in Article 13(1) of the Treaty has been exhausted, the rotation shall continue with the two advisory bodies referred to in Article 13(4) of the Treaty. It shall then continue with the European Investment Bank if it becomes a party in accordance with Article 1(2).
2. The Chair shall organise the work of the Body, ensuring that the appropriate organisational and procedural measures are taken and bringing all required information and documents to the attention of all members of the Body.

Article 5

Independent experts

1. The Body shall be assisted by five independent experts who shall attend all meetings of the Body as observers and shall advise the members of the Body on any ethical question related to the mandate of the Body.
2. The independent experts shall be appointed by common agreement of the parties in consideration of their competence, experience, independence and professional qualities. They shall have an impeccable record of professional behaviour as well as experience in high-level functions in European, national, or international public organisations. They shall be appointed, following a procedure to be established by the Commission, at the latest three months after the entry into force of this Agreement.
3. The independent experts shall sign a declaration on the absence of conflicts of interest. If the authority authorised to conclude contracts of employment identifies a conflict of interests, it shall seek the opinion of the Body.
4. When appointing the independent experts, the parties shall strive to ensure gender balance.
5. The term of the independent experts shall be three years, renewable once. If an independent expert ceases office before the completion of the three-year term, the parties shall appoint by common agreement a new member for three years.
6. The independent experts shall receive the status of Special Adviser from the Commission and shall be administratively attached to the Commission. They shall be reimbursed the travelling and accommodation expenses they incur when carrying out their duties. They

shall receive a *per diem* allowance per day of work calculated on the basis of the remuneration of a Union official in grade AD12.

Article 6

Mandate

1. The Body shall contribute to promoting a common culture of ethics and transparency amongst the parties, in particular by developing minimum standards common to the parties for the conduct of their members ('the standards') and by fostering the exchange of best practices on the matter.
2. The Body's tasks shall be as follows:
 - (a) to develop standards for the conduct of the members of the parties, in the areas referred to in Article 7;
 - (b) to update the standards, in accordance with Article 8;
 - (c) to hold exchanges of views on the basis of the assessment made by each party or a voluntarily involved Union body, office or agency of the alignment of its own internal rules with the standards, in accordance with Articles 9 and 19 respectively;
 - (d) to promote cooperation among the parties on issues of common interest related to their internal rules on conduct of their members as well as exchanges with any other European, national or international organisation whose work is relevant for the setting of the standards;
 - (e) to issue an annual report, in accordance with Article 17.
3. The functioning of the Body shall not impinge on the competences of the parties or affect their respective powers of internal organisation. In particular, the Body shall not be competent as regards the application of a party's internal rules to individual cases.

Article 7

Development of common minimum standards

1. The Body shall develop standards for the conduct of the members of all parties. The standards shall be developed within the framework of the obligations imposed upon the members of the parties by the Treaties and shall take account of the nature of their mandate or public office as well as the particularities of each party. The standards shall not affect the system of checks and balances established by the Treaties.
2. The standards shall relate to the following matters:
 - (a) interests and assets to be declared by members of the parties;
 - (b) external activities of members of the parties during their terms of office;
 - (c) acceptance of gifts, hospitality, travel offered to the members of the parties during their terms of office by third parties;

- (d) acceptance of awards, decorations, prizes and honours by the members of the parties during their terms of office;
 - (e) activities of the members of the parties after the end of their terms of office;
 - (f) conditionality and complementary transparency measures within the meaning and scope of the Interinstitutional Agreement of 20 May 2021 on a mandatory transparency register¹, in particular as regards meetings of members of the parties with interest representatives as defined in Article 2, point (a), of that Agreement.
3. The Body shall also develop common minimum standards with respect to:
- (a) general procedures established by the parties to ensure and monitor compliance with their internal rules in the areas referred to in paragraph 2, including awareness raising actions, the composition and tasks of internal bodies on ethical questions, reporting mechanisms to the party concerned in case of a suspicion of breach of rules, including follow-up action on the report and protection of the reporting persons against retaliation, including as regards cases of harassment involving members of the parties, and procedures to initiate or adopt sanctions in case of breaches.
 - (b) publicity requirements of the information gathered in the areas referred to in paragraph 2.
4. Further common minimum standards in other areas than those listed under paragraphs 2 and 3 can be developed if all parties agree.
5. The members of the Body shall agree on the standards by consensus in a spirit of sincere cooperation.
6. The members of the Body shall agree on the standards within six months after appointment of the members and independent experts, in accordance with Articles 3 (1) and 5 (2), and after taking a decision on the development of new standards under paragraph (4).
7. The standards shall be formalised in writing and, taking due account of the autonomy of each party, shall be communicated to all parties. The parties commit to implement them in their internal rules on the conduct of their members. The standards shall be made public on the website of the Body referred to in Article 18.

Article 8

Update of the common minimum standards

1. The Body shall assess the necessity of an update of existing standards where one or more members of the Body consider that such a review is necessary.

¹ OJ L 207, 11.6.2021, p. 1.

2. A review may be considered necessary in particular due to developments in the case-law of the Court of Justice of the European Union, new or modified ethical standards by international organisations, new technical developments or due to the need for clarification of existing standards as a result of recurring issues.
3. Article 7 (5) and (7) shall apply to the update of existing standards.

Article 9

Exchange of views on the parties' self-assessments

1. Each party shall carry out a written self-assessment of its internal rules and their alignment with the standards developed in accordance with Article 7, and with any updates to existing standards made in accordance with Article 8.
2. Each party shall conclude the self-assessment within a maximum of four months following the adoption of or the update to a standard.
3. The self-assessment shall be presented by the party concerned to a meeting of the Body.
4. The independent experts shall establish a written opinion on each self-assessment, within two months of its receipt. Where the opinion of the experts is not adopted unanimously, the opinion shall include any dissenting point of view. The deliberations of the experts shall be confidential.
5. Within two months of receiving the written opinion referred to in paragraph 4, the Body shall hold an exchange of views, based on the self-assessment and the written opinion.
6. The Secretariat shall prepare a report summarising the exchange of views referred to in paragraph 5 and containing concluding remarks. The Body may amend the report before endorsement. It shall endorse the report by consensus within the two months referred to in paragraph 5. The opinion of the independent experts shall form part of the report.
7. Each party shall update its internal rules at any point after the adoption for the standards by the Body and not later than four months following the endorsement of the report by the Body.
8. Neither the exchange of views referred to in paragraph 5, nor the report referred to in paragraph 6 shall have any binding or legal effect.
9. The self-assessment referred to in paragraph 1 and the report referred to in paragraph 6 shall be made public in accordance with Article 18.

Article 10

Exchange of good practices

1. The Body shall hold a yearly meeting dedicated specifically to matters of common interest in the field of ethics and the exchange of best practices between the parties.
2. The Body may invite to the meeting referred to in paragraph 1 representatives of any other public national, European or international organisation whose work is deemed relevant for the setting of the standards.

Article 11

Meetings

1. The meetings shall be convened by the Chair.
2. In addition to the meetings referred to in Articles 7 to 10, the Chair may, on his or her own initiative or at the request of any party and within one month of receiving this request, convene additional meetings to discuss matters of common interest.

Article 12

Procedure for conflicts of interest

1. Members of the Body and independent experts shall promptly declare to the Chair any circumstance which could impair or could be perceived as impairing their independence or impartiality when performing their tasks in the Body.
2. Where a declaration is made in accordance with paragraph 1:
 - (a) the member concerned shall be replaced by their alternate for as long as the member is prevented from participating in the work of the Body. Where the declaration is made by the Chair, he or she shall be temporarily replaced by the member who at that time represents the institution which shall hold next the Chair according to the rotation defined in Article 4 (1);
 - (b) the independent expert concerned shall abstain from participating in the exchanges with the other experts for as long as the situation of conflict persists.

Article 13

Rules of procedure

1. The Body shall adopt its Rules of Procedure, which shall be public, within three months after appointment of the members and independent experts.
2. The Rules of Procedure shall detail the necessary arrangements to ensure that implementation of this Agreement is effective.

Article 14

Reimbursement of expenses

Any expense incurred by a member of the Body or their alternate in connection with their duties in the Body shall be covered by the party to which they belong.

Article 15

Secretariat

1. The Secretariat shall be a joint operational structure set up to manage the functioning of the Body. It shall be made up of the heads of unit, or equivalent, responsible for the ethics rules for members in each party ('heads of unit') and their respective staff.
2. The Secretariat shall be formally hosted in the Commission and operate under the coordination of the head of unit who, within the Commission, is responsible for the ethics rules for the members of the Commission, or an official specifically designated for that purpose by the Commission in agreement with the other parties (the "coordinator"). The coordinator shall represent the Secretariat and oversee its day-to-day work, in the common interest of the parties.
3. The Secretariat shall:
 - (a) report to the Body, prepare its meetings, provide operational assistance in its tasks and prepare the report referred to in Article 9(6);
 - (b) prepare the draft annual report referred to in Article 17;
 - (c) carry out any other activities necessary for the effective implementation of this Agreement;
 - (d) direct all incoming and outgoing correspondence with the Body to its Chair and/or the party concerned by the correspondence.

Article 16

Resources

1. The parties shall commit by way of a memorandum of understanding between their Secretaries-General, or the holders of an equivalent office, to be agreed within three months after appointment of the members and independent experts, to make available the necessary human, administrative, technical and financial resources, including adequate staffing for the Secretariat, so as to ensure effective implementation of this Agreement.
2. The parties shall equally share the costs related to the independent experts referred to in Article 5. They shall provide an annual financial compensation to the Commission at the beginning of the financial year.
3. Any request by the Body requiring additional administrative expenditure of an exceptional nature shall be addressed to the parties which shall review and approve budgetary requests of the Body on an annual basis in accordance with their respective internal rules and procedures.

Article 17

Annual report

1. The Body shall adopt by consensus an annual report on the activities of the Body during the preceding year, after a discussion in the meeting referred to in Article 10.
2. The annual report shall be made public on the website of the Body.

Article 18

Website

1. The Body shall manage a website in which all the information relevant to its activities shall be publicly available.
2. The website shall, in particular, contain the following:
 - (a) the composition of the Body, the calendar of its meetings and the meeting agendas;
 - (b) the standards developed in accordance with Article 7 and, where applicable, updated in accordance with Article 8;
 - (c) the self-assessments and reports referred to in Article 9 (1) and (6);
 - (d) all the applicable rules of all parties in the areas covered by the standards.

It shall also contain the same information for other voluntary participants under Article 19.

Article 19

Voluntary involvement of Union bodies, offices and agencies, other than the parties

1. Union bodies, offices and agencies, other than the parties, may notify the Body that they voluntarily wish to apply the entire set of current and future to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under Article 2.
2. The Body shall invite the Union body, office and agency concerned to carry out a written self-assessment of its internal rules and their alignment with the standards and to designate a representative to take part to an exchange of views with the members of the Body. Article 9 (3) to (9) shall apply accordingly.
3. Paragraph 2 shall apply *mutatis mutandis* when the Body develops new standards or updates existing standards.

Article 20

Review

The parties shall assess the implementation of the Agreement two years after its entry into force, and regularly thereafter, with a view, where appropriate, to improving and reinforcing the functioning of the Body or to reviewing the Agreement.

Article 21

Final provisions

1. This Agreement shall be of a binding nature for the parties. It shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. The parties shall act in mutual sincere cooperation in implementing this Agreement.

Done at (Brussels), [date]

For the European Parliament

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For the European Council

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For the Council

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For the European Commission

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*For the Court of Justice of the
European Union*

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For the European Central Bank

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For the Court of Auditors

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*For the Economic and Social
Committee*

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For the Committee of the Regions

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