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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Council conclusions on the European Court of Auditors' Special Report No 13/2019 entitled "The ethical frameworks of the audited EU institutions: scope for improvement"
- Adoption

1. On 19 July 2019, the European Court of Auditors published its Special Report No. 13/2019 entitled "The ethical frameworks of the audited EU institutions: scope for improvement".¹
2. In accordance with the arrangements defined in the Council conclusions on improving the examination of special reports drawn up by the Court of Auditors², the Permanent Representatives' Committee instructed the Working Party on Staff Regulations³ to examine the aforementioned report.
3. The Working Party proceeded to ~~its examination~~ examining the report in its ~~successive~~ meetings ~~on~~ of 13 September, 8 October and 13 November 2019 and confirmed its agreement on the draft Council conclusions on 20 November 2019.
4. The Permanent Representatives Committee is invited to approve the text in the annex to this note and to submit it to the Council for adoption as an "A" item at a forthcoming meeting.

¹ This special report is available on the Court's website: www.eca.europa.eu

² See doc. 7515/00 + COR 1.

³ See doc. 11708/19.

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**Council conclusions on the European Court of Auditors' Special Report No 13/2019 entitled
"The ethical frameworks of the audited EU institutions: scope for improvement"**

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES Special Report No 13/2019 of the European Court of Auditors entitled "The ethical frameworks of the audited EU institutions: scope for improvement";
2. ACKNOWLEDGES that the background analysis and methodology following the OECD "integrity management framework" and its recommendations⁴ constitute valid guidance for establishing ethical frameworks in the EU institutions;
3. ACKNOWLEDGES the conclusions and recommendations of the Special Report and SHARES the Court of Auditors' assessment that, to a large extent, the audited EU institutions (European Council, Council, European Commission and European Parliament) have established adequate ethical frameworks with room for improvement in certain areas;
4. HIGHLIGHTS the importance of maintaining the highest possible professional standards in the EU institutions by putting in place ambitious and transparent ethical frameworks to serve the EU's interest, while ensuring the efficient and effective management of available resources;
5. SUPPORTS the further improvement of harmonised frameworks within and across the audited EU institutions based on closer inter-institutional cooperation and the exchange of best practices with a view to strengthening trust in the EU as a whole; these frameworks must accommodate the institutions' particular roles and needs;

⁴ See in this respect the 1998 "Recommendation of the OECD Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service", OECD/LEGAL/0298, in OECD, Trust in Government. Ethics measures in OECD Countries, Paris, 2000. OECD Recommendation on Public Integrity, Paris, 2017.

6. CONSIDERS that the Special Report, despite its limited scope and focus on the establishment of appropriate ethical frameworks rather than on their implementation, provides a valuable reference for the development of relevant frameworks and strategies for the EU's Appointing Authorities across the Union, thereby prompting the EU institutions and bodies to contemplate actions towards shared ethical values, principles and norms;
7. UNDERLINES that the Members of the European Council and of the Council of the European Union and the representatives of the governments of the Member States participating in the Council's preparatory bodies are subject to national rules establishing ethical frameworks, and that there is no ground for including them in the scope of a common ethical framework at EU level;
8. ACKNOWLEDGES
 - (i) the need for increased consistency across the respective EU institutions' frameworks, especially as regards staff awareness and effective accountability at all levels, thereby enhancing a culture of public integrity through a clear perception of the ethical frameworks;
 - (ii) the importance of setting up mechanisms for consistent and effective reporting of irregularities;
 - (iii) the need for close operational links between the services designated by the Appointing Authorities for tackling unethical behaviours and between the EU institutions, bodies, offices and agencies and national authorities, as appropriate;
9. EXPRESSES ITS INTENTION to follow up on the implementation of ethical frameworks in the EU institutions and CALLS UPON the Appointing Authorities of the respective institutions to consider setting up appropriate strategies, including targeted and tailored actions to raise staff awareness as well as continuous monitoring and self-corrective mechanisms;
10. INVITES all Appointing Authorities to reflect upon possible further measures that might be appropriate.