Transparency and Integrity in the European Parliament

The EP is undergoing one of the most prominent and shocking corruption scandals in Europe. Former and current Members of the European Parliament (MEPs) allegedly engaged in corruption, money laundering and organised crime, grouped together under the name “Qatargate”. Qatar and other countries have allegedly provided cash to MEPs in exchange of their vote and for milder statements from the EP on the scandals related to the Qatar World Cup notably.

This scandal has spotlighted issues we, the Pirates, have been pointing out since our arrival in the European Parliament (EP) in 2013. We have been committed to enhance transparency and accountability of elected members and institutions from day one of our mandate. Nevertheless, our demands have been unsuccessful in reaching the consideration of the decision-making bodies.

Reactions to the scandal have been quick. In mid-December, the EP adopted a resolution calling for reforms following the revelations. Some key aspects such as introducing an EU ethics body, a cooling off period or an assets declaration made us support the proposals. Subsequently, the President of the EP presented a concrete 14 points plan to strengthen the anti-corruption efforts. Even if they prove to be good first steps in the battle against corruption, it is already foreseeable that they will prove to be insufficient concerning the needed levels of transparency and accountability. These steps will be outlined in a special report. We will provide as much state-of-the-art transparency and accountability elements as possible in line with our commitments.

We believe that we need to be bolder than the small steps approach and envisage a greater overhaul of the rules to reach the high and legitimate expectations.

Transparency & Integrity plan

Accountability

- **Assets declaration**

MEPs, Commissioners and high-ranking officials (head of cabinets, president of EU institutions and agencies, secretary-generals) should submit an assets declaration at the beginning and at the end of their mandate. This useful transparency provision is only applying in certain Member States and should be mainstreamed.

It should contain information on their properties, amount of money detained (savings, bank account), debts, life insurance and other relevant elements. It would help in identifying suspicious increase in wealth.

These declarations should be made public in the case of Commissioners and MEPs, with some redacted parts in order to protect basic privacy. In the case of officials, these declarations should only be transmitted to the ethics body (next sections) for a veracity check.

- **Side jobs**

Qatargate has shed the light on potentially unethical practices as some MEPs were under the spotlight for declaring paid activities for foreign countries, companies or conferences. MEPs already have to hand in declarations of interest laying out these side activities.

They nonetheless shall be more precise, especially in the case of side jobs. MEPs are only declaring wide range of revenues[1], with highly imprecise information on their position. MEPs should disclose more precise revenue, their employer, a short job description and the

[1] Currently MEPs shall declare if they get between 500€ or 1 000€, 1 001€ to 5 000€, 5 001€ to 10 000€ or more than 10 000€.

amount of time spent working in this position. This should apply to all remunerated activities.

In parallel, stricter control on potential conflict of interest should be established by the ethics body. We are also demanding to prevent MEPs from being employed in any organisation registered in the Transparency Register.

- **Broadening the access of OLAF to MEPs offices**

The European Anti-Fraud Office (OLAF) provides coordination and support for investigations, especially when it comes to internal investigations on the EU financial interest. It is in charge of administrative offences. In the Qatargate, it is the Belgian authorities dealing with the case as it happened in Belgium. Nonetheless, OLAF could prove to be useful.

The OLAF struggles in accessing MEPs offices and related investigation material during their investigation. They even sometimes are denied access to assistants' computers, belongings or offices as MEPs have worked with them. OLAF's president and the Pirates have asked for easier access to MEPs offices when facing serious allegations while operating under a court order.

- **Extending the European Public Prosecutor Office (EPPO) to the whole EU**

The EPPO is a reinforced cooperation created in order to prosecute crimes related to the EU financial interest. Being a reinforced cooperation hinders its work in every Member States. The EPPO becoming a binding body to the whole EU could facilitate its cooperation with other institutions and ensure better prosecution of cases in currently non-member countries. We are also requesting the broadening of the EPPO mandate to different areas, for instance large-scale environmental damage and enforcement of sanctions.

- **Harmonising accountability elements in criminal law**

As the EU has little competence in national criminal law, MEPs could not be prosecuted if they furnish false assets declaration or declaration of interest as it is the case in France. Currently, the directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF directive) relies on a legal basis which allows to establish minimum rules

on criminal offences. Including accountability elements such as declaration of interest and declaration of assets in the European framework would allow MEPs to be prosecuted at national level. Prosecution could be conducted by the EPPO. It would be based on the French model where French justice is able to prosecute false assets declaration with a sentence up to 3 years of prison and a 45 000€ fine.

Transparency

- **Transparency of MEPs meetings in the framework of their work**

Currently, MEPs "*should publish online all scheduled meetings with interest representatives falling under the scope of the Transparency register*". Therefore, no obligation applies apart for rapporteurs, shadow rapporteurs and committee chairs for reports they are working on.

Pirates think that MEPs shall disclose all their meeting publicly with the possibility to make it available on their personal EP webpage with basic information regarding the person or the organisation it represents, the date and the topic. Assistants shall declare meetings in relation to the work of the MEP as a shadow or a rapporteur. MEPs should also publish their agenda. Commissioners shall follow the same recommendation, including with country representatives.

Exception must remain however for individuals where MEPs should not be forced to release the identity or elements that could allow re-identification of the person met where it could jeopardize the person's security. The EP declaration system must be revamped in order to allow staff to draft these declarations on behalf of the MEPs.

- **Mandatory legislative footprint**

Legislative footprint is a list that can demonstrate the range of outside expertise and opinions a rapporteur has received. It is then published with the report after its adoption in committee. It enables people to see whom the rapporteur has heard from ahead of the final vote by the whole Parliament.

It is only a voluntary mechanism under the current framework. It shall be made mandatory for shadow rapporteurs and rapporteurs to foster transparency and make it interoperable with the declaration of meetings.

- **User friendly transparency page for MEPs**

There should be a publicly and easily accessible webpage on all transparency and integrity aspects for MEPs (budget, meetings, votes, declarations of assets, interest, gifts, etc). On the

other side, the EP should set up an easier process for MEPs and assistants regarding these declarations, notably by enabling assistants to draft these declarations.

All data and information should be electronically readable, so that citizens, journalists and watchdog organizations can analyse the data.

- **MEPs budget**

MEPs are granted a budget for their mandate. On one side, Members of the European Parliament are free to choose their own assistants within a roughly 25 000 € monthly budget set by Parliament. On the other side, MEPs benefit from a General expenditure allowance (GEA) of 4 778 € per month. This allowance is intended to cover expenditure in the Member State of election, such as Members' office management costs, telephone and postal charges, and the purchase, operation and maintenance of computer and telematics equipment.

MEPs are responsible in front of the Bureau and then the President when not abiding by rules laid down in Bureau decisions regarding the use of their budget. Nevertheless, none of the individual expenditure is public. MEPs can still make their expenditures audited with the possibility to publish the outcome of the audit.

However, voluntary auditing is insufficient and we, as Pirates, are having fully transparent account on the use of our allowance. We therefore want to mainstream this practice and make full transparency mandatory for all MEPs. In parallel, the allowance shall be stopped as soon as the MEP is leaving his office.

- **The regulation on transparency of documents shall be revamped**

The Treaties, Regulation (EC) No 1049/2001 and internal institutions practices guarantee that public has access to documents related to the legislative procedure. Nonetheless, exceptions remain when security, international relations, military matters, privacy, commercial interest, copyright, etc. could be undermined. In addition, the regulation is outdated and flawed on several grounds.

Pirates are asking for an overhaul of this regulation and internal practices in order to take into account new technologies such as text messages, promote proactive publication of documents and better frame exceptions. For instance, preparatory documents of trilogues are still not published despite repeated calls from the Ombudsman and our delegation to do so. In any case, exceptions shall not hamper legitimate right for the public to access the information and proactive publication of decision-making documents is the cornerstone of enhanced transparency in order to restore trust in our institutions.

- **Mainstreaming roll-call votes**

In the plenary, not all votes' outcomes are publicly disclosed as they are done by show of hand. It undermines accountability of MEPs, sometimes on sensitive topics. It is the case for the controversial resolution on the world cup in Qatar where the final vote was not a roll-call-vote and therefore detailed results on MEPs voting behaviour is not available.

As Pirates, we want to make all votes roll-call-votes in order to foster accountability and transparency in both committees and the plenary.

- **Transparency register**

While the transparency register is a useful tool to provide transparency on lobbying, it is not fully functional. In accordance with our call to enhance transparency of the meetings, these should be published on the webpage of the organisation on the transparency register.

Furthermore, it is obvious that the transparency register is under-staffed to verify information declared by organisations as more than 12 000 organisations are providing their financial information on a regular basis. In this regard, information to be provided by the organisations should be harmonized in order to ensure greater transparency over their finances and the interest they advocate for.

The transparency register limits access to badges for interest representatives and this should be stepped up by making sure that every organisation co-hosting an event in the Parliament is on the transparency register.

- **Transparent process for the adoption of these reforms**

Changing these rules will be made only through several different procedures. Some of them are relying on the Bureau of the EP, others on the AFCO (Constitutional Affairs) committee and the plenary, while new norms would have to be proposed by the Commission. In the case of the Bureau, enhanced transparency is required to ensure accountability. On a similar basis, Roberta Metsola has tried to make her case via the conference of president, which is a complete black box and thus circumventing any scrutiny. We must ensure that measures do not die in one of these bodies.

Ethics

- **Establishing an ethics body**

As the rules stand, each institution has its internal functioning to deal with ethics. We have a code of conduct for the MEPs, a different one for the Commissioners, while the EP President is responsible for sanctioning any infringement in the Parliament and the President of the college of Commissioners has similar powers in the Commission. Each institution is also relying on a different definition of a conflict of interest in their code of conduct, apart from criminal matters related to corruption. The European Parliament code of conduct provides that MEPs shall not enter into any agreement restricting their freedom of vote or accept financial benefit in that regards. In addition, the conflict of interest is defined as followed: "*where a MEP has a personal interest that could improperly influence the performance of his or her duties as a Member*". MEPs shall disclose to the EP any potential conflict of interest before taking legislative action (being a rapporteur for instance), report to the President and seek advice from the advisory committee. Nevertheless, low enforcement renders the mechanism not very effective.

Thus, a greater harmonisation and independence is required to enhance scrutiny, transparency and accountability of elected members, Commissioners and their staff. The EU shall establish an ethics body based on an inter-institutional agreement applicable to all EU institutions. The agreement should clearly establish basic principles, such as a common definition of conflict of interest to all EU institutions. The regulation must also lay out ethics elements applicable to staff, Commissioners and MEPs on corruption, cooling off periods, gifts and remunerated interventions (see next sections).

This authority should be responsible for checking: conflict of interest, assets declarations, cooling off period, declaration of interest, gifts, MEPs budget, corruption and the transparency register. Nonetheless, in order to avoid any overlap on certain matters, in case the EU financial interest is at stake, the authority shall rely on OLAF and EPPO investigative powers, depending on the nature of the offence. The implication of both sides is crucial as EPPO - and OLAF to some extent - will allow criminal prosecution, while the ethics body will

enable disciplinary and administrative sanctions at the EU level. The ethics body shall be appropriately staffed in that regard together with a sincere cooperation from national and European authorities to provide necessary documents, especially on tax declarations.

The ethics body should be composed of nine members ensuring full independence: three selected by the Commission, three elected by Parliament, and three assigned de jure from among the former judges of the CJEU, the Court of Auditors and former EU Ombudsman.

Its work must be as transparent as possible, with transparency of decisions and supportive documents by default. It should also be open to anonymized inputs from internal and external sources, including civil society organisations. Based on its observations and inputs it can start its own investigations, together with other institutions when relevant. If the ethics body must be as transparent as possible, it should still be subject to the Ombudsman oversight as any other institution.

The ethics body shall replace all internal bodies also when it comes to sanctions. It should be able to produce recommendations, warnings but also sanctions to MEPs, Commissioners and the staff. These sanctions shall be challengeable in front of the Court.

- **Ban of friendship groups with third countries**

Friendship groups are informal groups formed by MEPs in order to put forward certain issues and topics. They are ruled by EP rules of procedures which clearly state: they shall not create confusion with official EP voices. Currently, these friendship groups shall declare any support, whether in cash or in kind, which they do to the Bureau of the EP.

Friendship groups with third countries are blurring the lines, as official delegations already exist for that purpose. They should therefore be forbidden in that context. Nevertheless, these informal groups should remain legal for communities, regions or specific topics.

Declarations on financial and other support are not publicly available contrary to the intergroups. It must change. These declarations should be more precise on who is providing

the secretariat assistance, exact amounts and assistance provided by third parties and include MEPs individual declarations related to these friendship groups.

- **Trips paid by third parties**

As the Qatargate has revealed, several MEPs have been attending fully paid first class events in gulf countries and have then worked on files related to these countries. In that case, MEPs have to publicly disclose whenever they attend a meeting on the invitation of a third party. In the declaration, they have to state: the inviter, whether the inviter has covered expenses (travel, accommodation, and subsistence expenses), the reasons and the agenda of the event. However, they do not have to disclose the amounts and compliance has been low as the number of (late) declaration peaked following the Qatargate.

MEPs should be free to participate in events organised by third parties but they (or the EP in certain circumstances) must cover all costs. Official delegations however should remain sovereign when accepting a paid invitation while ensuring enhanced transparency on the expenses and the entities covering these expenses.

- **Mandatory cooling off period**

MEPs, Commissioners and high-ranking officials (head of cabinets, president of EU institutions and agencies, secretary-generals) should not be able to take up a job in the private sector which could lead to a conflict of interest right after they leave their office. Commissioners already undergo a 24 months cooling-off period. MEPs do not, even though they get a transitional allowance of 1 month per year in office (6 months for one term), together with a continuation of the GEA for transitional purposes.

As we have repeatedly asked, we think that the cooling-off period should match the transitional allowance duration (one month per year in office and 6 months for a full term). MEPs should notify the ethics body when taking up their new duties. The body should be responsible for greenlighting the new activity.

- **Gifts**

Members receive gifts on a regular basis. Most of them are postal cards or goodies. Nevertheless, some countries and lobbies give greater gifts of sometimes high value. Members only have to fulfil the obligation of handing in the gifts to the President when they are representing the EP on an official trip (representing a committee or a delegation, on behalf of the President, or as a VP or a Quaestor). Other than that, they should refrain from accepting more than 150€ gifts without any obligations.

We believe that MEPs - regardless of their statute - shall refuse all gifts above 150€ and declare more than 50€ gifts.

- **Increase whistle-blowers protection to the adequate level**

Whistleblowers play a key role to increase transparency and integrity. Edward Snowden being the epitome. We have never shy away from defending whistleblowers. In that case, there is a clear need to adapt the rules applying to the EP staff, and especially assistants, to provide a similar level of protection as provided in the whistle-blower directive.