

EP resolution of 14.09.2017 on transparency, accountability and integrity in the EU institutions  
[\(2015/2041\(INI\)\)](#)

subject	EP report	COM reply	comment Giegold
lobby transparency of COM	<p>6. Calls on the Commission to extend to all relevant Commission staff (from Head of Unit level and above) the practice of meeting only organisations or self-employed individuals that are registered in the Transparency Register;</p> <p>7. Urges the Commission to publish meetings of all relevant Commission staff involved in the EU's policy-making process with external organisations, while taking account of necessary data protection rules; for other staff present at these meetings, reference to the unit or service should be published;</p>	<p>The Commission has led by example in this respect and believes that the other institutions should meet the high transparency standards it is already applying before considering further possible transparency measures, such as <b>extending this principle to middle and senior management and extending the reporting requirements on meetings to all staff</b></p>	<p><b>Limited progress</b> (COM sets out conditions to consider a change of mind)</p> <p>understandable as negotiations will only start now and EP lags behind COM</p>
better balance by empowering underrepresented interests	<p>10. Encourages the Commission to develop measures to achieve a better balance by empowering underrepresented interests;</p>	<p>Regarding the development of measures by the Commission to <b>achieve a better balance by empowering underrepresented interests</b>, the Commission considers that being open to outside input is fundamental to the sound development of its policies.</p>	<p><b>No progress</b></p> <p>COM does not address the main question here. Civil society demonstrates strong imbalances in lobby meetings of Commissioners. COM could at least acknowledge this. Ideally, COM would start to search for more balanced input. COM already invests in civil society expertise. This could be strengthened where most necessary. COM could start an impact assessment on such idea.</p>

one-stop shop	9. Calls on the Commission to make all information on interest representation towards the EU institutions, declarations of interest, confirmed conflicts of interest and expert groups easily accessible to the public through an online one-stop shop;	In light of the different purposes of the various online resources, the creation of a <b>"one-stop shop"</b> does not seem justified	<p><b>No progress</b></p> <p>meetings of Commissioners with interest representatives alone are scattered over 28 different pages. TI's <a href="http://integritywatch.eu/">http://integritywatch.eu/</a> demonstrates possible better practise. COM could express the intention to at the very least develop a comprehensive link list, ideally follow the TI best practise.</p>
COM's Code of Conduct (Ethics committee)	32. Believes that decisions on senior officials' and former Commissioners' new roles must be taken by an authority appointed as independently as possible of those affected by its decisions;	As regards decisions taken on <b>senior officials' and former Commissioners' new roles</b> , for <u>senior officials</u> , the independence of the assessment of their requests for taking up new roles is guaranteed by the fact that several services are involved in the process, which have no relation to the person concerned. ... As for <u>former Commissioners</u> , the decisions on envisaged post-mandate activities are taken by the College following the opinion of the independent Ad Hoc Ethical Committee – and in the future the Independent Ethical Committee – when the activity is related to the portfolio of the former Commissioner	<p><b>No progress</b></p> <p>COM is inconsistent and does not apply the logic it does use on senior officials on the more important Commissioners. Neither is the "independent Ethical Committee" independent, but appointed by those who will be affected by its decisions. Nor is the College as judge independent of itself. COM suggested in the <a href="#">White Paper 2000/2077</a> a common ethics committee ("Advisory Group on Standards in Public Life") for all EU institutions. COM could propose this for all willing institutions, in particular for COM, EP and agencies.</p>
Regulatory Scrutiny Board	34. Takes the view that consideration should be given to an 18-month cooling-off period at the end of the appointment of external and ad hoc members of the Regulatory Scrutiny Board in the context of better law-making and of members of the Board of Directors of the European Investment Bank, whereby, during this	The Commission does not consider justified or proportionate the <b>request for an 18-month "cooling-off" period for the externally recruited members of the Regulatory Scrutiny Board</b> as these members are not involved in any business decisions	<p><b>No progress</b></p> <p>COM ignores the Board of Directors of the EIB</p> <p>The Regulatory Scrutiny Board can influence highly business relevant decisions as individual acts often touch on</p>

	<p>period, they must not lobby members of the EIB governing bodies and Bank staff for their business, client or employer;</p>		<p>single chemical substances which can directly affect the net value of individual companies, e.g. Glyphosate.</p>
<p>anti corruption</p>	<p>66. Notes that since becoming an approved member of the United Nations Convention against Corruption (UNCAC) on 12 November 2008, the European Union has not participated in the review mechanism provided for under the Convention, nor has it taken the first step of completing a self-assessment of how it is implementing its obligations under the Convention; calls on the European Union to fulfil its obligations under the UNCAC by completing a self-assessment of how it is implementing its obligations under the Convention and participating in the peer-review mechanism; calls on the Commission to publish its next EU Anti-Corruption Report as soon as possible and to include a chapter on the EU institutions in its EU Anti-Corruption Reports; calls for the Commission to carry out further analysis at the level of both the EU institutions and the Member States of the environment in which policies are implemented, in order to identify inherent critical factors, vulnerable areas and risk factors conducive to corruption;</p>	<p>The <b>United Nations Convention Against Corruption (UNCAC)</b> was approved in September 2008 by the former European Community (now replaced by the EU) through Council Decision 2008/801/EC. The Commission is now clarifying the legal and institutional questions relating to the review mechanism. In this regard, it is to be recalled that the EU is a unique Regional Economic Integration Organisation, and as such this raises specific and complex legal and institutional questions. Over the past years the Commission has strengthened the EU anti-corruption response, including through Member State by Member State analysis of the challenges experienced and the actions taken. While the EU Anti-corruption report published in 2014 provided a useful overview of the situation, streamlined coverage in the European Semester of economic governance, which is the main economic policy dialogue between the Member States and EU institutions, is an equally efficient way to address the matter and is in line with the general approach of this Commission to streamline processes and focus on key issues in the relevant fora. This dialogue is further complemented by support to Member States at technical level through the anti-corruption experience sharing</p>	<p><b>No progress</b></p> <p>COM is “clarifying the legal and institutional questions relating to the review mechanism” of UNCAC now for soon 10 years. Progress is urgently needed. COM should, at least, commit to a date for reaching results on this.</p> <p>COM's approach to replace the promised next anti-corruption report with the semester process remains significantly weaker than the FVP outlining his own expectations to the quality of the process. This year's country specific recommendations on corruption only target 6 countries, are vague, do not propose specific measures and therefore cannot be seriously checked for progress. Any analysis of implementation of laws seem to have been dropped yet would be the value COM in its specific role could add to the other intergovernmental elements of the anti corruption efforts.</p>

		programme as well as EU financial support for a wide range of projects in the field of anti-corruption ( <i>paragraph 66</i> ).	
EU-agencies	69. Calls on the Commission to draw up a regulation relating to all EU agencies, under which Parliament will be granted codecision powers in the appointment or dismissal of directors of such agencies and a direct right to question and hear them;	The <b>procedure for pre-selecting, appointing, extending the term of office and dismissing an Agency's Director</b> is outlined in the Common Approach on Decentralised agencies of 2012. ... Consequently, it is up to the Management Boards of Agencies to appoint their Directors on the basis of a shortlist drawn up by the Commission, following an open and transparent selection procedure that guarantees a rigorous evaluation of candidates and a high level of independence. It is also for the Management Boards to decide whether Directors' terms of office should be extended. The dismissal procedure mirrors the appointing procedure.	<b>No progress</b>  COM could, at least, acknowledge best practise in the rules on some agencies where EP has more influence on appointment or dismissal of directors. Ideally, COM could consider to align horizontal rules to this best practise.
expert groups	37. Believes that a provision containing general criteria for the delimitation of economic and non-economic interests as recommended by the Ombudsman and based on the experts' declarations of interest would help the Commission to pick experts representing interests with a better balance;	As indicated in its reply to the Ombudsman concerning her own-initiative inquiry OI/7/2014/NF on the composition of the Civil Dialogue Groups <sup>[1]</sup> , the Commission maintains that it would not be appropriate to define general criteria for the categorisation of economic and non-economic interests in Expert groups, as in practice a reliable classification method could not be found. ... Furthermore, the Commission points out that the <b>declarations of interests</b> are screened by Commission departments to assess whether the expert in question is in	<b>No progress</b>  COM could open a consultation to ask for appropriate definitions of general criteria for the categorisation of economic and non-economic interests in Expert groups as well as how to implement this.  COM could use the proposal to balance the rights of experts to vote on recommendations instead of the general participation to compromise with the need to include broadest possible technical expertise.

		<p>a conflict of interest, not to ensure a balanced composition in terms of interests represented. In fact, the experts submitting their declarations of interests apply to be appointed in a personal capacity, acting independently and in the public interest.</p> <hr/> <p>[1] These are Expert groups placed under the responsibility of Directorate-General Agriculture and Rural Development.</p>	
whistleblower	<p>61. Considers effective whistleblower protection to be a key weapon in the fight against corruption and therefore reiterates its call of 25 November 2015(10) on the Commission “to propose, by June 2016, an EU legislative framework for the effective protection of whistleblowers and the like”(11) , taking into account the assessment of the rules at national level in order to provide for minimum rules for protecting whistleblowers;</p>	<p>The Commission strongly supports the objective of <b>protecting whistle-blowers</b> underlined by the European Parliament and has taken steps to protect whistle-blowers in EU sectorial legislation. In line with its Communication of 5 July 2016 and its 2017 Work Programme, the Commission is assessing the scope for horizontal or further sectorial action at EU level with a view to strengthening the protection of whistle-blowers. The Commission launched on 3 March 2017 an online public consultation, which ended on 29 May 2017, and is now conducting an impact assessment. This will enable the Commission to take an informed decision on any policy or legislative measures that may be needed at EU level</p>	<p><b>Limited progress</b> (COM states once again their strong support in general)</p> <p>COM has still not made up their mind if they prefer horizontal or further sectorial action and which legal basis should be chosen.</p>
Goulard report follow-up	<p>53. Reiterates its calls on the Commission in its resolution of 12 April 2016(7) to draft a European code of conduct on transparency, integrity and accountability, designed to guide the actions of EU representatives in international</p>	<p>The Commission considers that the <i>Treaties</i>, the <i>Code of Conduct for Commissioners</i>, the <i>Working Methods of the Commission</i>, the <i>Staff Regulations</i> and the <i>Code of Good Administrative Behaviour</i> already lay down appropriate</p>	<p><b>No progress</b></p> <p>COM does not reply to the call for better policy coherence and coordination among the global institutions through the introduction of <b>comprehensive standards</b></p>

	<p>organisations/bodies; calls for better policy coherence and coordination among the global institutions through the introduction of comprehensive standards of democratic legitimacy, transparency, accountability and integrity; takes the view that the EU should streamline and codify its representation in multilateral organisations/bodies with a view to increasing the transparency, integrity and accountability of the Union's involvement in these bodies, its influence and the promotion of the legislation it has adopted through a democratic process; calls for the adoption of an interinstitutional agreement with the aim of formalising dialogues between EU representatives and Parliament, to be organised with the European Parliament for the purpose of establishing guidelines regarding the adoption and coherence of European positions in the run-up to major international negotiations;</p>	<p>and comprehensive obligations for Commissioners and EU officials as regards the principles of transparency, integrity and accountability. The value-added of a separate <b>European code of conduct on transparency, integrity and accountability</b> called for by the European Parliament is unclear and not demonstrated</p>	<p><b>of democratic legitimacy, transparency, accountability and integrity.</b></p> <p>COM does not reply to the call for the adoption of an <b>interinstitutional agreement</b> with the aim of formalising dialogues between EU representatives and Parliament, to be organised with the European Parliament for the purpose of establishing guidelines regarding the adoption and coherence of European positions in the run-up to major international negotiations</p>
<p>Trilogue transparency</p>	<p>46. Recalls its calls on the Commission and the Council in its resolution of 28 April 2016 on public access to documents for the years 2014-2015(6) , in which it: ...  – considered that documents created in trilogues such as agendas, summaries of outcomes, minutes and general approaches in the Council are related to legislative procedures and should not, in principle, be treated differently from other legislative documents and should be made directly accessible on Parliament's</p>	<p>The Commission, in line with paragraph 38 of the <i>Interinstitutional Agreement on Better Law-Making</i> of 13 April 2016, and together with the European Parliament and the Council is committed to <b>improving transparency in legislative procedures</b>. Work is underway between the three institutions to establish a <b>joint database on the state of play of legislative files</b>.</p>	<p><b>No progress</b> (COM refers to ongoing negotiations)</p> <p>COM could support public proposals for more access to trilogue documents, at least to dates and agendas to be published in advance.</p>

	website, ...		
access to documents	<p>46. Recalls its calls on the Commission and the Council in its resolution of 28 April 2016 on public access to documents for the years 2014-2015(6) , in which it:</p> <ul style="list-style-type: none"> <li>– called for the scope of Regulation (EC) No 1049/2001 to be broadened to include all the European institutions it currently does not cover, such as the European Council, the European Central Bank, the Court of Justice and all the EU bodies and agencies,</li> <li>– called for full compliance with the obligation by the institutions, agencies and other bodies to keep complete registers of documents, as provided for in Articles 11 and 12 of Regulation (EC) No 1049/2001, ...</li> <li>– called for a common interinstitutional register, including a dedicated joint database on the state of play of legislative files for which works are under way as agreed in the Interinstitutional Agreement on Better Law-Making,</li> <li>– called on the Council to publish minutes of the meetings of Council working groups and other documents,</li> <li>– called on the Commission to set up a register of all second-level legislation, in particular for delegated acts, and noted that work on its creation was under way as agreed in the Interinstitutional Agreement on Better Law-Making,</li> <li>– expressed its belief in the need to introduce an independent oversight</li> </ul>	<p>The Commission's 2008 proposal for a recast of Regulation 1049/2001[1] aimed to clarify certain concepts. Insofar as the European Parliament is <b>calling for the "Lisbonisation" of Regulation 1049/2001</b>, it should be noted that the Commission tabled a proposal in 2011[2] aiming at extending the right of access to documents to all EU institutions, bodies, offices and agencies in accordance with Article 15(3) of the Treaty on the Functioning of the European Union. In practice, most of the institutions, bodies, offices and agencies already apply rules that mirror, or are equivalent to, those of Regulation 1049/2001. The European Parliament decided to treat both the 2008 and 2011 proposals together but the legislative process has not progressed since given the difficulties to reach common positions between the European Parliament and the Council. The Commission remains open to a genuine discussion with both branches of the EU legislature on the review and "Lisbonisation" of Regulation 1049/2001.</p> <p>Regarding the European Parliament's view that <b>public access to documents and the management of documents must be based on standards</b> which comply with Articles 11 and 12 of Regulation 1049/2001, the Commission has comprehensive implementing rules for the registration, filing, storage and archiving of</p>	No progress

	<p>authority for the classification and declassification of documents,</p> <ul style="list-style-type: none"> <li>– called for agendas and feedback notes of the meetings of Parliament’s Committee Coordinators, Bureau and Conference of Presidents to be made available, and, in principle, for all documents referred to in those agendas to be made available too, by publishing them on Parliament’s website;</li> </ul>	<p>its documents and has developed the accompanying IT systems to implement these rules.</p> <p>...</p> <p>Concerning the European Parliament's request on the Commission to set up a <b>single register of all second-level legislation</b>, the Interinstitutional Agreement on Better Law-Making provides for the creation of a joint Register of delegated acts by the end of 2017. As far as the preparation of implementing acts is concerned, the Comitology Register as foreseen in the Comitology Regulation[3] already contains documents related to the work of the committees involved in the implementing acts procedures. In addition, since 1 July 2016, the Commission has been publishing on the Better Regulation Portal draft delegated and implementing acts for a four-week public feedback period (<i>paragraph 46</i>).</p> <hr/> <p>[1] COM(2008) 29  [2] COM(2011) 137  [3] Regulation No 182/2011</p>	
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