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European Parliament timidly improves transparency, integrity and ethics

Good news from the European Parliament, kind of! The tireless efforts of the Greens/EFA transparency team somewhat paid off this month as the European Parliament voted on a number of proposals to increase transparency and integrity within the house, and also to improve the oversight by Parliament of EU Commissioners' potential conflicts of interest.

However, after voting by an overwhelming majority on a series of proposals to reform the Commission's ethics system, yesterday's vote smacks of double standards as key reforms to the ethics rules that seek to avoid conflicts of interest of MEPs were voted down.

In the run up to this vote, we prepared a number of proposals or "amendments" that were supported by over 100 MEPs from across the political spectrum. Not all of them were adopted in the end, however, mostly due to the voting behaviour of the conservative EPP group, the liberal democrats in the ALDE and the S&D group.

It is worth noting that all changes to the Parliament's rules of procedure have to be adopted by an absolute majority - which requires at least 376 votes in favour. This explains why, for example, despite the fact that a majority of MEPs voted in favour of listing their lobby meetings, the proposal was not adopted in the end because it did not receive 376 votes. A vote of this kind also means that abstaining on a particular topic is similar to voting against it, because it minimises the chance that a 376+ majority can be reached.

This article outlines the key transparency and ethics issues and how each of the groups voted on the Greens/EFA transparency amendments.

On the conflicts of interest of EU Commissioners:

Pascal Durand, one of the leaders of our Greens/EFA transparency team, managed to push for better checks on the potential conflict of interests of Commissioners; both at the beginning of the legislature and in case of a major portfolio change. Read more about it here: http://www.greens-efa.eu/european-parliament-adopts-new-measures-to-control-conflicts-of-interest-in-the-european-commission-16299.html

On lobbying transparency:

A number of improvements on the transparency and regulation of lobbying were also included, notably because they were supported by the S&D rapporteur, Richard Corbett:

- Removal of badges for registered lobbyists who do not comply with rules
- Removal of badges for those who refuse invitations to committees of inquiry
- It has now been made clear that "entourage badges" for those accompanying MEPs should not be used by lobbyists
- The voluntary "legislative footprint" remained unchanged - see our article on this here.

Our amendments on transparency of lobbying were broadly supported, as shown in the table below:

Text of the Amendment	Short Explanation	Result of the vote
Members should adopt the systematic practice of only meeting interest representatives that have registered in the Transparency Register.	If particular interest groups are covered by the scope of the transparency register, MEPs should strive to only meet them if they are transparent about their activities. The wording "systematic practice" allows for some exceptions, for example to protect political dissidents.	**Success!** **+ 390 votes in favour** - 274 votes against, mostly from the conservatives (EPP) and liberal democrats (ALDE) ≠ 41 abstentions
Members should publish online all scheduled meetings with interest representatives falling under the scope of the Transparency register. The Bureau shall provide for necessary infrastructure on Parliament's webpage.	MEPs should publish a list of meetings with interest representatives, if they're organised in advance; like we do with our lobbycalendar tool. Obviously a chance encounter would not need to be reported.	**+ 319 votes in favour** - 274 votes against, mostly from the conservatives (EPP) and liberal democrats (ALDE) ≠ 110 abstentions, including the majority of the S&D group **Despite the relative majority in favour (hence the "orange" ranking), this was not adopted because 376 votes were needed.**

These votes are critical because, next year, the European Parliament, Commission and Council will begin negotiations on a new lobby register, with the aim of making it as mandatory as possible. To achieve this, the Commission has proposed that MEPs no longer meet with unregistered lobbyists. There is no mention of the publication of meetings in the Commission's proposal, but our objective is to introduce it - hopefully there will be a majority for that, given the results of the vote above!

On the legislative footprint:

We also tabled an amendment to ensure that **written input provided by lobbyists** on European Parliament reports or legislative files should be collected and published in order that there be oversight of

how decisions are taken, and accountability over who decided what, and why. However, this proposal was rejected, with 242 voting in favour (mostly from Greens/EFA, ECR, GUE and EFDD) and 403 voting against (the larger groups: EPP, S&D and ALDE) with 59 abstentions.

On the side jobs of MEPs:

Ideally, we would have wanted **much stricter regulation of MEPs' side jobs**, because we believe that representing citizens and defending the public interest is a full time job. However, this was a red line for many other parties, particularly the conservative EPP, which claimed that limiting MEPs' freedom to have a job on the side was a violation of their right to a career.

This meant that, in the end, the proposal adopted was limited **to prohibiting MEPs from acting as paid lobbyists** at the same time as they purport to defend the general public interest. So, we tried to at least table an amendment that would oblige MEPs to be transparent about who their clients are when they work as "consultants" or "lawyers". As you can see by the drafting of the amendment below, even this was controversial; and in the end, it was voted down.

Text of the Amendment	Short Explanation	Result of the vote
Any regular remunerated activity which the Member undertakes alongside the exercise of his or her office, whether as an employee or as a self-employed person, ***and, where appropriate, their list of clients, in accordance with the relevant national legislation.***	This amendment seeks to improve the declarations of interest of Members, who are already obliged to list information about their side-jobs. Since in some cases, the descriptions (e.g. lawyer, consultant) are too vague to assess any potential conflicts of interest, a list of clients would be more appropriate.	231 votes in favour: Greens/EFA, 5 others in favour. In EFDD, M5S in favour but UKIP against. Around 20 S&D supported. **445 against, notably the three largest groups: Conservative EPP, Socialist and Democratics S&D, and liberals (ALDE)** **≠ 28 abstentions**

The Parliament did, however, vote to ensure that a **more detailed breakdown of MEP's financial interests** will now be required (though it rejected our amendments for transparency of MEPs' property and debt), plus there should be improved checks to make sure that declarations of financial interest are kept up to date and accurate (you may remember the scandalous declaration by a Danish MEP in the previous term, who claimed he was "master of the universe" - this was only discovered thanks to research by Friends of the Earth Europe, which highlighted the total lack of control by the Parliament of what MEPS' included in their declarations.

On the revolving door:

A new obligation was introduced which now ensures that former MEPs have to notify the European Parliament if, after leaving office, they take up a new job as a lobbyist. We wanted to make sure that this weak proposal would at least be enforced, so we tabled the following amendment, which was not adopted:

Text of the Amendment	Short Explanation	
The Advisory Committee should look into these notifications to determine if their purpose is to influence or enable others to influence EU policy or decision-making. In such cases, the names and activities of former Members shall be published.	In the current proposal from the AFCO committee, Members should notify the Advisory committee on ethics if they plan to engage in lobbying activities after leaving office. This addition ensures that the Advisory Committee would check these notifications, and ensure transparency if the ex-Member does take up a lobby job.	256 votes in favour including Greens/EFA, ECR, GUE, EFDD, ENF **414 votes against, notably EPP, S&D and ALDE** ≠ 29 abstentions

We also proposed the introduction of **a cooling off period for MEPs**, so that, as long as they are receiving EU funds (they are entitled to a transitional allowance after they leave office), they should not exploit their previous know-how and insider contacts to the benefit of a particular lobby group. This was so controversial, that Parliament President Martin Schulz managed to remove this amendment from the proposal before it could even be voted on. He claimed that the EU Parliament has no competence to regulate the private lives of MEPs after they leave office.

Text of the Amendment	Short Explanation	Result - no vote!!
During a period of equivalent length to that during which former Members are eligible for a transitional allowance as defined in Article 13(2) of the Statute for Members of the European Parliament, they shall not engage in any kind of remunerated activity which purpose is to influence or enable others to influence EU policy or decision-making.	This amendment proposes a "cooling off period" that should last for the same amount of time as the ex-Member receives their transitional allowance. Since this is funded by European tax payers, the proposal is that the ex-MEP should not be paid for engaging in lobbying activities if they are also receiving public funds at the same time.	Despite the fact that this amendment was signed by 116 MEPs, the night before the vote, European Parliament President Martin Schulz declared that the amendment was inadmissible, and so it was never even voted on.

Improving the functioning of the advisory committee on ethics:

From now on, the European Parliament President will no longer be able to block the ethical Advisory committee from investigating cases where MEPs are suspected of having broken the Code of Conduct. This is due to a slight change in wording which now reads that the President Parliament "should" forward any alerts to the advisory committee on ethics, rather than "may" forward the alerts. Legally speaking, there is technically a difference, but we believe that much more far-reaching reforms are urgently required.

For example, **we believe that the ethics advisory committee should be composed of external experts**, instead of being filled with MEPs, who would then be judging their own colleagues, but this was rejected by a large majority (526 against, 150 in favour, 28 abstentions). It was only by Greens/EFA, GUE and EFDD.

See below for more:

Text of the Amendment	Short Explanation	Result of the vote
The Advisory Committee shall be composed of five members, appointed by the ~~*President*~~ ***Bureau*** *at the beginning of* ~~*his or her*~~ ***its*** *term of office* from amongst the members ~~*of the bureaux and the coordinators*~~ of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.	This amendment puts the decision of who should be part of the advisory committee in the hands of the Parliament bureau rather than only in the hands of the Parliament President. The pool of potential candidates to the Advisory committee is also enlarged to include any member of JURI or AFCO.	**352 votes in favour, supported by Greens/EFA, GUE, ECR and S&D** 282 votes against, notably from EPP and ALDE 70 abstentions, notably from EFDD **Despite the relative majority in favour (hence the "orange" ranking), this was not adopted because 376 votes were needed.**
If, taking into account that recommendation, the President concludes that the Member concerned has breached the Code of Conduct, he shall, after hearing the Member, adopt a reasoned decision laying down a penalty, which he shall notify to the Member. ***If the President decides not to follow the recommendation of the Advisory Committee to impose a penalty, the advice of the Advisory Committee and the reasoning of the President shall be made public.***	This amendment is designed to avoid situations in which the Advisory committee provides a recommendation for follow-up but the Parliament President does not follow this advice. So far the EP president has not implemented any of the sanctions recommended to him, rendering the integrity system dysfunctional. With added transparency, there is clarity for citizens and MEPs alike about how a particular risk of conflict of interest was assessed and dealt with.	249 votes in favour including Greens/EFA, ECR, GUE, EFDD, ENF **430 votes against, notably from EPP, S&D and ALDE** 11 abstentions

On trilogue transparency:

Trilogues are notoriously opaque processes as they are basically informal negotiations between the three EU institutions: Council, Commission and Parliament, on legislative files. They are now a regular part of the decision-making process because it speeds up the adoption of legislation. However, this makes it very difficult for citizens, NGOs and smaller political groups to follow, and these documents are often not published because it is claimed that they are particularly sensitive.

Text of the Amendment	Short Explanation	
For the purposes of access to documents, the term 'Parliament documents' means any content within the meaning of Article 3(a) of Regulation (EC) No 1049/2001 which has been drawn up or received by officers of Parliament within the meaning of Title I, Chapter 2, of these Rules, by Parliament's governing bodies, committees or interparliamentary delegations, or by Parliament's Secretariat, ***including during the trilogue meetings***.	This amendment seeks to clarify that trilogue documents should be covered under the existing access to documents regulation. Legally this is already the case, but access to these documents are often refused in practice simply because they are related to trilogues. The access to documents rules have a specific exception to protect the decision-making process, which should be applied to trilogue documents in line with the case law of the European Court of Justice.	+ 244 votes in favour including Greens/EFA, ECR, GUE, EFDD, ENF **- 459 votes against, notably EPP, ALDE and S&D** ≠ 2 abstentions
Parliament shall establish a register of Parliament documents. Legislative documents, ***including those from trilogue meetings,*** and certain other categories of documents shall, in accordance with Regulation (EC) No 1049/2001, be made directly accessible through the register. References to other Parliament documents shall as far as possible be included in the register.	This amendment also seeks to clarify that trilogue documents, as with other documents, should be uploaded to the Parliament's register of documents: If they cannot be made publicly accessible because of the exceptions in the access to documents regulation, they should be listed so the public is aware of their existence. Trilogue documents that can be made public should be proactively published.	

For more information:

- http://www.sven-giegold.de/2016/rules-of-procedure-eu-parliament-strengthens-its-efficiency-and-transparency-but-fails-to-toughen-integrity-rules/
- http://www.greens-efa.eu/green-plan-for-transparency-and-integrity-in-the-european-parliament-16082.html

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