



Briefing: Amending the EP-EC Framework Agreement and the Code of Conduct for Commissioners

On the 23rd November, Juncker sent a letter to Schulz in which he proposes some limited changes to the Code of Conduct for Commissioners and to the Framework Agreement between the European Parliament and Commission.

On substance

The main changes proposed by Juncker are:

1. To extend the cooling off period for former Commissioners from 18 months to two years (part of the EC Code of Conduct)
2. To extend the cooling off period for former Commission Presidents from 18 months to three years (part of the EC Code of Conduct)
3. To remove the obligation that Commissioners must take unpaid electoral leave if they want to run in the European Parliament elections (part of the Framework Agreement)

On process

The European Commission must seek Parliament's opinion on any proposed changes to its Code of Conduct. Any changes to the Framework Agreement must of course be agreed by both institutions. Juncker's letter contains specific wording for amendments to the Framework Agreement, but no specific amendments on the Commission Code of Conduct. Now the Parliament must reach a position; and it seems as though this process is planned to take place at the level of the Conference of Presidents.

The Greens/EFA position

With transparency and democracy as one of our key priorities, the Greens/EFA group must take a strong stance on both substance and process.

On process, we should ensure that the Parliament has a stronger role in any revisions to the Code of Conduct for Commissioners, as this is a key instrument for Parliamentary oversight on EC ethics and accountability. Ideally, specific amendments to the Commission Code of Conduct would be presented to Parliament and debated openly (perhaps in a plenary debate, or within the AFCO/JURI Committees) given the high level of public interest after the multiple ethical scandals involving current and former Commissioners.

On substance, there are several key demands:

1. The Code of Conduct requires much more ambitious reform (see below for detailed demands)
2. The Framework Agreement should **not** be amended to remove the obligation that Commissioners running in the EP elections should take unpaid electoral leave.
3. The Framework Agreement should be amended to improve Parliament's access to Commission documents: currently Annex II of the Framework Agreement contains very restrictive provisions that have led to, inter alia, the TTIP reading room, tax reading rooms and EMIS reading room.



Detailed proposals for reform

The European Parliament recently adopted a report by Pascal Durand on how to control conflicts of interest of Commissioners both before they are appointed and once they are already in office. Key changes from this report were introduced into the Parliament's rules of procedure but some changes will also need to be made to the Framework Agreement between the EC and EP and indeed possibly to the Code of Conduct for Commissioners.

Code of Conduct for Commissioners

Pascal's reports calls for the following changes to be introduced:

1. **Revolving Doors:** There should be a cooling off period of at least three years for all Commissioners.
2. **Declaration of Interests:** Commissioners should be obliged to declare all financial interests, assets and liabilities as opposed to those that they believe "might entail a conflict of interest".
3. **Ethical committee:** The Ad Hoc Advisory Committee should be transformed into an ethical authority composed of independent experts
4. **Sanctions:** Binding sanctions should be put into place if Commissioners fail to declare a potential conflict of interest or if they breach any of their ethical requirements
5. **Annual reporting:** The Commission should report annually on the functioning of its ethics systems

Framework Agreement

The EP-EC Framework Agreement also contains a number of provisions that would need to be amended in light of Pascal Durand's report (notably Chapter II points 4-8).

Parliamentary Access to Documents

Parliament's access to documents held by the Commission is extremely limited and is often undertaken in an ad hoc manner. Paradoxically, the rules on public access to documents are therefore often seen as being better developed than the current framework for Parliament access to documents. This urgently needs to change if MEPs are to be able to do their jobs properly, including by holding the EC and other institutions to account.

1. **Classified information vs. "Other Classified Information":** MEPs need to be able to access classified information in a secure way. But these rules are often applied to non-classified information. The definition of "Other Classified Information" therefore needs to be radically tightened, and documents currently defined as "OCI" should be reviewed to ensure they are properly classified as such.
2. **Transparency Veto:** It should not be possible for documents to be refused to the European Parliament simply because the Member State, institution or international organisation does not provide consent.
3. **Ad hoc agreements:** It does not make sense that provisions for Parliament access to documents should be negotiated bilaterally between the EP President and Commission President. A third party should be empowered to make recommendations on the modalities for access, bearing in mind the sensitivity of each document and its level of classification.
4. **Infringement proceedings:** there should be greater access to information for Members of Parliament on ongoing infringement cases (upon request), and automatic forwarding of decisions to the EP once an infringement decision has been taken.