EXPERTS REPORT

ON INQUIRY AND ASSESSMENT ON POLITICAL INTERFERENCE AND RECOMMENDATIONS ON ITS PREVENTION

FOR THE S&D PARLIAMENTARY GROUP IN THE EUROPEAN PARLIAMENT

04-07-2023

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EXTENDED EXECUTIVE SUMMARY

I. Preliminary Statement by the Experts

The experts declare at the start of their report, *inter alia*, that:

- they have worked independently, with complete freedom in the development of the methodology, in the analysis of the documentation and in the elaboration of the conclusions, without having received any type of instructions from anybody
- all the documentation they requested was delivered by the S&D secretariat
- that they do not have any personal interest in the outcomes of this report, nor any conflict of interest.
- neither during the interviews nor in the surveys did any new facts emerge that should have been brought to the attention of the judicial authorities

II. Introduction: Scope, Structure, Methodology.

The "Qatargate" scandal is still subject to investigations and legal proceedings. The purpose of this report is not to duplicate nor interfere in the ongoing investigations of the appropriate judicial authorities, but to identify systemic shortcomings in the European rules, procedures, practices and culture, and to look at what the EP in general, and the S&D Group in particular, could do to avoid such situations in the future and to detect them should they arise.

This is needed both to reassure the public that its concerns are being addressed, and to reassure Members and staff that they and their colleagues work in an environment of transparency, probity and honesty.

Qatargate has also thrown up questions in other EU institutions and in national parliaments inside and outside the EU. It is unlikely to be the only case of inappropriate interference by outside actors seeking to influence outcomes.

The S&D Group is also not the only one having members or former members facing serious allegations, but it is the only one to have set up an external inquiry and assessment on political interference and recommendations on its prevention. This is commendable.

The first phase of the inquiry consisted of interviews with selected Members, Secretariat staff and APAs. In addition, other Members, Secretariat staff and APAs volunteered and were also invited for interviews. Besides the interviews, three anonymous written surveys were launched to Members, Secretariat staff and APAs.

The second phase reviewed the existing EU and EP procedures and rules, and how they are applied and enforced in practice, identifying gaps, and looking at how they could be improved. It also looks at what supplementary internal measures the S&D Group should consider.

III. Brief Exposition of the case

The main publicly known parameters of the case are recalled. An investigation started in July 2022 by the Central Office for the Repression of Corruption, a unit of the Belgian Federal Police, into an alleged criminal organization resulted in the arrest of several members or former MEPs, as well as entries and searches in private homes and offices in the parliamentary buildings. One and a half million euros seized in cash were seized. The Belgian judicial procedures are still underway.

IV. General Problem

We are looking at a previously underestimated challenge: inappropriate interference by third countries in the decision taking procedures of the EU, using underhand methods.

Most existing rules on lobbying were written having in mind internal, private, economic, interests, not foreign states. The "classic" issues are now wider, with this "new scenario" of what could be called "geo-strategic corruption".

Indeed, Qatargate, as a relatively unsophisticated example (cash in suitcases) for apparently relative minor advantages, is likely to be the tip of the iceberg: more sophisticated corruption, on more significant issues, by larger and more hostile third countries, pose an even bigger potential threat to the EU and its Member States.

Many EU decision-taking procedures are less vulnerable to this than national ones are, given the multiple actors involved in its legislative and budgetary procedures. Nonetheless, there are vulnerabilities, some of which are well known but haven't been adequately addressed.

V. First phase. Interviews and results of the survey and interviews.

Interference necessitates at least two parties: on one hand the party who tries to interfere and on the other hand the party who lets him/herself be influenced. There is not too much one can do against the intention of a third party to interfere. An extreme measure would be to eliminate all contacts with third parties, but this would totally undermine the tasks of the Members of the Parliament.

We did not discover any case (except the ones already under investigation) where money or other benefits were received. We specifically checked with the APAs on the existence of retrocession of salaries. No cases were found in the S&D Group.

Therefore, this phase focused on how strong the defence mechanisms are inside the S&D Group. Rules and regulations can indeed only be fully effective if the environment and culture are strong enough to, on the one hand respect these rules and regulations, and on the other hand to monitor the compliance with these rules and

regulations. A strong cultural environment would also allow for a strong preventive early warning system of preventive and detective controls.

A strong cultural environment requires trust, integrity, proper tone at the top, proper accountability, good communication, commitment to quality and clear allocation of responsibilities. The interviews and surveys identified a number of weaknesses in this regard, and we will finalise this part of the report after we have had an opportunity to discuss them in-depth with the full Bureau.

VI. Second Phase, Analysis of existing rules. Deficiencies.

VI.1 Existing rules

Provisions that lay down ethical requirements on MEPs and staff, and corresponding disciplinary procedures – as well as safeguards and immunities - are spread over <u>at least 27 different documents at various levels of the legal hierarchy</u>, ranging from treaty-level provisions (Protocol 7) to legislation (Members' statute, staff regulations), inter-institutional agreements (Transparency Register, OLAF), EP Rules of Procedure (and their annexes, such as the Code of Conduct for Members), and decisions of the Parliament as a whole, or of its Bureau, or of its Secretary General. In addition, the S&D Group has its internal Group Rules of Procedure and additional internal staff rules. Many of these instruments contain cross references to each other, sometimes outdated.

The procedures for changing them vary correspondingly. Fortunately, not all of them require change, as we shall see in the next section, and in many instances, it is better enforcement of existing rules that is required.

It would be useful if in future the EP were to publish a compendium of all ethical rules applicable to its Members and staff, in one easy-to-find location.

VI.2 Deficiencies and shortcomings of existing rules

In trying to identify shortcomings in those rules, we are acutely aware that:

- Even the best rules can be circumvented by those determined to act illegally: the allegations surrounding "Qatargate" are not just about violations of EU rules, but about breaking criminal law. Nonetheless, good rules and procedures can help identify potential cases of misconduct and interference, and help foster a culture of appropriate behaviour & transparency.
- It's not just a matter of the rules, but about how they are applied and enforced.
- Existing rules were focused on preventing undue influence from lobbies, and cases of conflicts of interest with them, but neglected the possibility of inappropriate influence from third countries.
- The EP is already addressing these issues and some reforms are underway (which may mean that some of our proposals will soon be out of date). Most of these reforms can be done internally by the EP, while others may require the revision of inter-institutional agreements or legislation.
- The S&D Group is supporting EP reforms but may wish to go further in its internal rules, especially if it feels the EP reforms are inadequate or too slow.

It is important that the reputational damage that has been suffered is rectified by vigorous action designed to minimise risks in the future.

We shall now examine: (1) deficiencies in the existing rules, (2) problems in the application and enforcement of rules, (3) further measures that could be taken, and (4) what the S&D Group might do internally, in addition to supporting reforms in the EU and EP rules.

(1) deficiencies in the existing rules.

The Members' Statute.

-Contains no provision for the suspension or reduction of a Member's salary, or a former Member's pension, in the event of being condemned by a court for a serious criminal offence. It should be amended to provide for such a possibility, with appropriate safeguards such as rights of appeal (including to European courts) being exhausted, and immunities being waved.

The IIA on the Transparency Register:

- Does not cover MEP's local assistants, although they can also be approached by organisations subject to the scope of the Transparency Register.
- Diplomats and officials from third countries are not subject to the Transparency Register requirements. Recent events show that they should be. If agreement to change the IIA cannot be secured from the other institutions, then the EP must modify its own rules to lay down equivalent requirements to diplomats and officials from third countries [*see below*].
- Section III of Annex II (Financial Information) should require the disclosure of any sums received from governments of third countries.
- The deadline for complaints under point 2.1 (c) of Annex III should be longer than just one year.
- It would be advisable to specify that if the Secretariat of the Transparency Register becomes aware of behaviour that potentially amounts to fraud or corruption, it shall refer the matter to the appropriate authorities (police, OLAF, etc, as appropriate).

The EP decision of 27 April 2021 on the conclusion of the IIA on the Transparency Register

Several items of this decision required follow up action by various authorities in the Parliament, but this appears not to have happened, indicating a lax approach. These must now be followed up and in some cases taken further (*see below*).

The EP Bureau note (No 1/2016) on the implementation of the IIA on the Transparency Register:

- The paragraph on the Legislative Footprint states that the responsibility of the rapporteur is "purely voluntary". Given that Rule 11(3) of the EP RoP requires rapporteurs (and shadow rapporteurs and committee chairs) to publish the footprint on the EP website, it should be equally mandatory for them to publish it in their parliamentary reports. The same para refers to such footprints being "non-exhaustive", creating a massive loophole. Those two words should be deleted.

EP Rules of Procedure (RoP)

- Rule 10 (Standards of Conduct) mentions, inter alia, the Code of Appropriate Behaviour but does not mention the Code of Conduct. It should mention both.
- Rule 11 (Members' financial interests and Transparency Register):
    - o Para 3 uses the word "should" instead of the usual term "shall" in paras 2 and 3. This weakens the obligation and must be rectified.
    - o The same para refers only to meetings with interest representatives carried out by the member and not those carried out on his/her behalf by staff. It should do so.
    - o It should also refer not only to "interest representatives falling under the scope of the Transparency register", but also to representatives and diplomats of third countries (unless and until the Transparency Register is changed to cover them) and the words "Without prejudice to Article 4(6) of Annex I" should be deleted from Paragraph 3.
    - o In para 4, the auditor's confirmation should become obligatory instead of voluntary. Although this is not directly related to external influence, it is part of the wider reputational damage suffered by the Parliament. Requiring a simple statement from an auditor that the monies in question have been spent on items allowed under the rules, is a non-bureaucratic way of showing that that is the case, without needing a full breakdown of expenditure. Some national delegations in the S&D already follow this practice.
- Rule 12 (Internal investigations conducted by OLAF) refers to Agreements and Decisions that have since been supplemented by regulation 883/2013. The Rule should also refer to this regulation.
- Rule 35 (Intergroups):
    - o Para 3 refers to "Parliament's internal rules governing the establishment of such groupings" but does not indicate who adopts those internal rules or where they can be found. Although para 6 indicates that the "Quaestors shall adopt detailed rules" on the financial declarations of intergroups, it appears that in practice the Conference of Presidents has adopted a set of rules "governing the establishment of intergroups". This confusion is unhelpful, and the rules adopted by the CoP are themselves problematic (*see below*).
    - o Paragraph 7 should specify what should happen when disciplinary action is required.
- Rule 176 (Penalties):
    - o Para 1 mentions only breaches of Rules 10 (2) to (9), although the same penalties may also be imposed for violations of the Code of Conduct (see Art 8(3) of the CoC). It would be appropriate to mention those here, and also to add a reference to breaches of Rules 11 (Members' financial interests) and 35 (intergroups).
    - o Para 4 should allow for tougher penalties for the most serious case of misconduct. Sub paras (b) and (c) should not be limited to a 30-day maximum, and (d) should allow such a prohibition to extend to the end of the parliamentary mandate. [*See below further considerations on how penalties should be applied*]

The Code of Conduct (CoC) for MEPs (Annex I to the Rules of Procedure):

- Art 3 should also prohibit MEPs having paid side-jobs with organisations covered by the scope of the Transparency Register, as endorsed by the EP in its resolution of 16 February 2023.
- Article 3, para 3, line 2, where it mentions rapporteurs, should also mention shadow rapporteurs.
- Article 4:
    - o Para 1 should set a deadline of the start, not the end, of the first part-session, given that Parliament starts electing people to positions during that part-session.
    - o Para 2 (c) should specify that generic descriptions of remunerated activity (such as "consultant" or "lawyer") should be more specific and describe the area of activity (including the economic sector and the type of client)
    - o Para 2 (h) should require the exact amounts to be indicated, as endorsed by Parliament in para 13 of its resolution of 15 December 2022 on Qatargate.
    - o In addition to remuneration, Members should declare all their assets at the beginning and at the end of their term of office, as endorsed by the Parliament in the same resolution.
    - o Para 6 should say that Rapporteurs "shall" instead of "may voluntarily" list in their reports the outside interests they have consulted (bringing it into line with Rule 11(3) of the RoP).
- Article 5 para 3 should be modified to require Members to declare travel, accommodation, and subsistence worth €150 or more, received from third parties. This is currently required under Art 6 of the Bureau decision of April 2013, but it would be better if it were in the CoC itself. Members should also be required to declare any such items given to their assistants.

- Article 6 should prohibit former MEPs from lobbying activity for the length of time in which they are in receipt of the transitional allowance (which can be up to 24 months). MEPs' assistants should similarly be prohibited from doing so for 12 months after leaving their assistant job.
- Article 7, para 4: the Advisory Committee on the Conduct of Members should be given the right to make proposals on its own Initiative.
- Article 7, para 5: the Advisory Committee should be able to consult the future EU Ethics Body and in any case should not be required to consult the President before asking for external advice. [*see below further considerations on the Ethics Body*.] It should appoint an independent external ethics adviser able to participate in the deliberations of the Committee.

Implementing measures for the Code of Conduct (Bureau decision of 15 April 2013)

- Article 1, Para 1(b) limits the scope of these measures to Members receiving gifts while representing the EP in various specific capacities or "on an official mission authorized by the CoP or the Bureau". It should apply to all Members representing the EP on all occasions.
- Article 1, Para 2 leaves it to Groups to voluntarily apply these rules to members receiving gifts when representing the Group. It should be obligatory.

EU Staff Regulations

- Article 16 prohibits officials, for 12 months after leaving, from engaging in lobbying the staff of their former institution on matters for which they were responsible during the last three years in the service. This period should be extended to 24 months (or longer in the case of sectors where on-going procedures can last many months). It should apply to lobbying activity undertaken not just vis-à-vis the staff of the institutions, but vis-à-vis Members.
- Articles 22a and 22c need to be reviewed to align them more closely with Directive 2019/1937 (Whistle-blowers' Directive). In particular, they do not currently specify whether staff alerting their hierarchy or OLAF to irregularities can do so anonymously if they have good reason to do so.
- Article 22c leaves it to each institution to put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after fulfilling their whistleblowing obligations. This has led to divergence among the institutions, including weak provisions in the EP's internal rules [*see next item*].

EP internal "whistleblower" rules applying Article 22c of the staff regulations

These too should be aligned with Directive 2019/1937 and updated:

- The definition of a whistleblower in Art 2 does not cover the case of an official passing information directly to OLAF, despite this being explicitly allowable under Article 22a of the staff regulations.
- Footnote 1 refers to the possibility for a whistleblower to refer a matter directly to the Specialised Financial Irregularities Panel. However, this Panel no longer exists.
- Article 4(1) prohibits anonymous whistleblowing under any circumstances. Given the potentially vulnerable situation in which some staff find themselves, this should be adjusted to provide for a carefully circumscribed procedure, with due safeguards, for anonymous whistleblowing.
- There is no explicit requirement on officials to cooperate with judicial inquiries or to volunteer information to them.
- There is no allowance for the particular problems that arise in the event of an APA disclosing inappropriate behaviour by their Member, and the vulnerabilities involved. A secure channel for reporting should be set up, as already exists for reporting harassment. As APAs cannot be transferred to another Member nor placed in the administration, provision should be made for whistleblowing APAs to continue to receive their salary for 6 months or until the end of their contract, provided the allegations made are credible. The cost should be deducted from the Member's staff allocation if the allegations made are found to be correct.

Rules relating to Local Assistants (EP Bureau decision of 6 May 2009)

These rules contain no ethical requirements, so they are not covered by EU or EP rules on meeting lobbyists, receiving gifts, contacts with representatives of third countries. They should require Members' contracts with LAs or Service Providers to include an obligation on them to notify the Member of any such activity, and to require the Member to declare this activity wherever such declarations would be required of the Member had it been done by him/her personally.

Rules relating to Members' trainees (EP Bureau decision of 10/12/2018)

The same applies here.

Facilities granted to former MEPs

The recent revision appears adequate, except for Art 3 which limits the period during which Former MEPS are prohibited from lobbying the EP only to 6 months after leaving. This should rather be the length of time in which they are in receipt of the transitional allowance [*see above, re CoC, Art 6*].

Implementing provisions governing the work of EP delegations and missions outside the EU

- Although Art 5 specifies that delegations should represent the EP position as adopted in plenary, and Art 11 specifies Members' duty to contribute to their delegation's work, and Art 14 lays down principles for members' conduct, there is no provision for disciplining non-compliant members. Violations should be made subject to potential disciplinary proceedings under Rule 176 of the RoP.
- Annex I specifies the size of each delegation. There is a tradition of every single MEP being allocated a place on a delegation, irrespective of the real needs for Parliament. Overly large delegations give a bad impression and leaves the door open to less informed members being vulnerable to inappropriate influence from the interlocutors.

Parliament should reduce the size of its delegations and abandon the tradition of awarding a place on one of them to every single Member.

Rules concerning the establishment of intergroups

This set of rules is particularly unclear:

-As noted above, Rule 35(6) of the RoP provides for the Quaestors to adopt rules on the declarations that intergroups are required to make regarding their external support. Instead, the CoP adopted a set of rules on the establishment of intergroups, which includes requirements on declaring their external support.

- Although the RoP specifies that intergroups are unofficial, these CoP rules set up a process to effectively recognise a limited number of intergroups[1], making them quasi-official. Only these recognised intergroups are covered by the CoP rules, thereby leaving outside their scope the "other unofficial groupings" (such as friendship groups) referred to in Rule 35(4), even when they style themselves as intergroups. Although such other groupings may not receive technical support from parliament (they may not need it), they escape the reporting requirements of the CoP rules.

- Article 5 anyway lays down a set of incoherent reporting requirements:

  o That "intergroups must notify their names to the political group responsible for the coordination of the intergroups" – a particularly untransparent place to notify to (with no info available on this on the EP website).

  o At the same time, a "declaration" must be made to the Quaestors, accompanied by the "documents referred to in Article 4" (i.e. on (1) who is establishing the intergroup, its name, objective, logo and membership, (2) a declaration of financial interests made by the chair of the intergroup).

  o But "any change" must be notified to the political group responsible for coordination.

  o That group "shall ensure that all group chairs, the secretaries-general of the political groups and Parliament's Administration [but not the Quaestors!] are duly informed".

- Art 6 then contradicts Art 5 in laying down that all the officers of the intergroups (not just the Chair) must declare its financial support.

- There is no mechanism laid down to prohibit specific groupings, such as friendship groups with third countries or other groupings that shadow the work of EP bodies, or groupings that challenge the fundamental values of the Union. These rules need a fundamental overhaul. Responsibility should lie unambiguously with the Quaestors or another parliamentary body, not with the "Group responsible for coordination". [*See below considerations on inadequate enforcement of the existing rule*]

Missing provisions

The absence of an Ethics Body, as requested by the EP. The Commission has now made a proposal and the legislative procedure will begin. This should be a priority. The S&D Group should support securing an Ethics Body with external, independent members selected on the basis of their competence, experience and professional qualities, able to issue general guidelines and advice, and investigate individual cases of misconduct referred to it or on its own initiative. Its rulings and advice should be followed by Parliament unless, exceptionally and for duly substantiated reasons, the EP Bureau decides otherwise by a two-thirds majority.

- The implementing measures for the Statute for MEPs contain no provisions for disciplining members who make false claims. As there have been several cases, notably on the far-right, such as using service providers or APAs for national party work, this is a serious gap. Fraudulent use of allowances has been dealt with through discreet administrative recovery notices for the amounts in question, without any disciplinary procedures. This must be changed.

- *Quis custodiet ipsos custodes?* As in most parliaments, many of the EP's ethical rules are reliant on enforcement by its President. What would happen if there were ever a corrupt or lax President? The future Ethics Body should be able to hear complaints about the President. Provision should also be made for the President to appear before the Advisory Committee at least once a year to disclose and discuss how he/she has dealt with cases, and also on other occasions when requested.

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We believe that the S&D Group should support the above changes in the on-going discussions within Parliament. We understand that, in the view of some, imposing certain kinds of obligation on Members through the Rules of Procedure may go beyond what can be done via that legal instrument. We would recommend that Parliament nonetheless changes those rules and, in the unlikely event of the changes being successfully challenged in the Court, address the issue via changes to the Members' statute.

(2) Inadequate application and enforcement of the Rules.

Besides shortcomings in the rules as such, we have identified shortcomings in the way in which they were applied:

- The rule on Intergroups (Rule 36) has not been fully enforced by the Quaestors. The obligation in Para 4 for intergroups and other informal groupings of members to report their support, whether in cash or kind, appears not to be systematically chased up. There are no published cases of any sanctions or reprimands by the Quaestors to intergroups.

[1] Specifying that intergroups may be set up by members of at least three political Groups if enough signatures are gathered. Each political Group is allocated a limited number of signature rights in proportion to their size, thereby limiting the number of intergroups that are recognized under this procedure and thereby covered by the rules.

- Disclosures on conflicts of interest when being appointed as rapporteur (Art 3, para 3, CoC) appear to have not always been done. Nor were such declarations required when MEPs were appointed as rapporteurs in sub-committees, or in multilateral parliamentary bodies in which the EP participates.
- Enforcement of the Declaration of Financial Interests of Members (Art 4 CoC) appears to have been lax. Members with questionable declarations were not systematically chased up.
- The EP website does not make IT linkages between the declarations made by members (on financial interests, conflicts of interest, the legislative footprint) and entries in the Transparency Register.
- OLAF has, it seems, not been granted access to MEPs' offices, computers or email accounts when conducting an investigation, nor has any procedure been set up for granting such access when OLAF makes a request based on a substantiated suspicion.
- The Transparency Register Secretariat has insufficient capacity to inquire further as to registrants' funding streams and links to third countries.
These shortcomings need rectifying.

(3) Measures that could be taken other than changing rules or applying them more fully:
The President, on a proposal of the Advisory Committee on the Code of Conduct, should publish a default list of minimum penalties that will be applied under Rule 176(4) for particular failures to comply with EP rules. For example, for failure to declare a meeting with an organization falling under the scope of the transparency register as required under the rules, or failure to disclose a conflict of interest, or a failure to properly complete the Declaration of Members' Interests:

- a public reprimand if it is minor (such as a marginal failure to meet a deadline)
- otherwise, for the first offence, forfeiture of five days daily allowance
- for the second offence, forfeiture of ten days daily allowance
- for repeated offences, stronger measures in function of their severity

A standard form for declarations on conflicts of interest would make it easier for committee secretariats to chase members, for Members to know what they need to say, and for keeping track afterwards.
Staff should be encouraged to be more pro-active with Members who show signs of failing to comply with their reporting and disclosure obligations. This applies within the EP administration especially to staff administering the Declarations of Members' interests, handling disclosures of conflicts of interest, and verifying compliance with the rules pertaining to intergroups, who should systematically monitor compliance.
The EP should organise systematic staff training, including for Group staff and APAs, on ethical and financial rules and how to comply with them, as well as on whistleblowing procedures., as well as security and interference training.
The EP should introduce security clearances for staff dealing with foreign affairs, security, defence, or trade issues. Staff working in certain fields should be considered politically exposed persons under the Anti-Money Laundering Directive.

(4) S&D internal measures
S&D Group rules of procedure:
- Are silent on conflicts of interest. A requirement for Members to declare conflicts of interest should be added. Such declarations should be made before Members are elected as Group Co-ordinator on a parliamentary committee, or as Group candidate for membership of a committee or an interparliamentary delegation, and when they speak in Group meetings on subjects where they have a conflict of interest. Group staff should be required to declare their meetings with organisations coming under the scope of the Transparency Register and with representatives of third countries.
- They also lack any provisions enabling the Group to sanction its own members, other than by suspending them or expelling them. It would be advisable to have a range of less drastic measures to penalise Members who are not in conformity with the Group's rules, such as not nominating a member as Group representative on delegations, committees, PES bodies, or as rapporteur.
Self-regulation measures in the event of potentially insufficient EP reforms
If the reforms of the EU's and EP's rules outlined above fail to materialise, possibly due to opposition from other Groups or institutions, then the S&D Group should introduce as much as it can by internal procedures. Several examples are listed in the full report.
Other:
- The Group should take a decision under Art 1 (2) of the Code of Conduct to apply, to Members representing the Group, the same rules on gifts that apply to Members representing the Parliament.
- It should maintain its new "Transparency Now" working group and staff Task Force, (or appoint a dedicated Vice-President or other officer, assisted by adequate Group staff), charged with monitoring compliance by Members with their various ethical obligations, drawing their attention to any failure to meet deadlines or to fully comply with the requirements and making enquiries about information that could give rise to concern. If necessary, they shall draw the attention of the Group Bureau to problems that could affect the reputation of the Group, and the Bureau should decide on appropriate action.
- Organise its own information sessions for Members and training sessions for staff

Some of the above measures could be taken with immediate effect, while others could enter into force with the new Parliament to be elected next year.

I. PRELIMINARY STATEMENT OF THE EXPERTS

We, the experts who have prepared this report, declare that:

1) This report is the result of the analysis carried out in accordance with the concrete mandate received from the S&D Bureau on March 8, 2023. (*Annex* I).

2) We have participated in this process on the basis of our respective profiles and professional expertise and regardless of any past or present affiliations with any institution.

3) The mandate received from the S&D Bureau for the preparation of this report required two distinct phases:

    - A *first phase*, consisting in gathering information including confidential interviews and anonymous surveys with MPEs and staff. This phase was carried out under the responsibility of Prof. Jean-Pierre Garitte and his team.

      A *second phase,* consisting in the analysis and formulation of recommendations, and proposals for amendments to rules and how they are applied and enforced. This phase was carried out under the responsibility of Dr. Richard Corbett and Prof. Dra. Silvina Bacigalupo.

    - Finally, the report contains *final conclusions* and *recommendations* subscribed by the three experts according to a general analysis of phases 1 and 2.

4) That we have worked independently, with complete freedom in the development of the methodology, in the analysis of the documentation in the elaboration of the conclusions and in elaborating the recommendations, without having received any type of instructions from anybody.

5) All the documentation requested, in order to enable us to carry out an in-depth analysis, was delivered by the secretariat of the S&D Parliamentary Group.

6) During the data collection and preparation of this report we did not have any type of communication about our conclusions with any member of the S&D Parliamentary Group, its secretariat, nor any third party.

7) That neither during the interviews nor in the surveys did any fact emerge that should have been brought to the attention of the judicial authorities.

8) We do not have any personal interest in the outcomes of this report, nor are we involved in any other type of conflict of interest.

9) We confirm that the contents of this report have been kept confidential by the experts prior to its presentation to the Group Bureau.

10) After the initial presentation to the Bureau, the experts agreed that more time is needed to have an in-depth discussion and analysis with the Bureau on how to make the Group more robust and resilient regarding its internal organization. The Bureau accepted to extend the mandate (Annex III).

Prof. Jean-Pierre Garitte, Dr. Richard Corbett, Prof. Dr. Silvina Bacigalupo.

Brussels, 4 July 2023.

II. INTRODUCTION: SCOPE, STRUCTURE, AND METHODOLOGY

The scandal commonly referred to as *Qatargate* is still subject to investigations and legal proceedings. The purpose of this report is not to duplicate nor interfere in the ongoing investigations of the appropriate judicial authorities, which are still underway, but to identify systemic shortcomings in the European rules, procedures, practices and culture, and to look at what the Parliament in general, and the S&D Group in particular, could do to avoid such situations in the future and to detect them should they arise. This is needed both to reassure the public that its concerns are being addressed, and to reassure Members and staff that they and their colleagues work in an environment of transparency, probity and honesty.

It is also appropriate to note the wider context. *Qatargate* has also thrown up questions in other EU institutions and in national parliaments inside and outside the EU. It is unlikely to be the only case of inappropriate interference by outside actors seeking to influence outcomes in this way, but it is the first to became publicly known.

The S&D Group is also not the only one having members or former members facing serious allegations, but it is the only one to have set up an external independent inquiry and assessment on political interference and recommendations on its prevention.

There are, of course, existing rules. Indeed, at various levels, there are over 100 pages of ethical requirements and disciplinary procedures laid down in at least 27 legal instruments that apply to Members, parliamentary staff, Group staff and MEPs' assistants, as well as to outside organizations. The Parliament is already examining some of these, which is to be welcomed, and this examination may trigger changes.

Therefore this report will also look at the existing rules, but also at wider questions of how they are applied and enforced in practice, and what supplementary internal measures the S&D Group should consider to prevent and to detect at an early stage this *new* scenario of undue influence and corruption risks in parliamentary activity by third country governments and their lobbyists.

The mandate received by this group of experts sets *the scope* and limits of the preparation of this report. The main objective is to identify how to strengthen the wording and the application of EU and EP rules (including the Code of Conduct for MEPs), as well as the internal S&D rules and culture, and safeguards for preventing political interference and corruption. To achieve this purpose, this report will assess:

- whether, in spite of the existing accountability processes and safeguards, it was possible for third parties to interfere inappropriately with internal S&D Group decision-making processes and *which safeguards have failed or have been missing* that may have prevented a network of influence peddling from being established;

- whether interference happened at the level of current Members, former Members, staff members and/or APAs, including an assessment of the

contacts and relationship between third parties and/or third countries and Members and staff, as well an *analysis of the accountability processes*;

- whether the current rules and codes of conduct have been followed and applied in relation to Members and staff, internal procedures, habits and practices (both written and unwritten) including those applicable to appointments for political mandates, recruitment of S&D staff, early warning systems, and due diligence. Furthermore, to identify, on the basis of a risk assessment, *any shortcomings in the current framework*;

- to recommend which measures, updated working methods, and rules changes could or should be made to *introduce within the S&D Group the highest international best practices on transparency* to counter political interference in the future, to avoid conflict of interests and to make the Group more resilient to outside and potentially illegal activity.

The *structure and methodology* followed in this report are split into two different phases:

1) *First Phase (March-June 2023):* The Inquiry.

This phase consisted of *confidential interviews* with Members, Secretariat staff and APAs. They included all the Bureau members, a selection of other Members (including some rapporteurs, coordinators and heads of national delegations), the Group President's cabinet, the senior management of the Secretariat, and a selection of Political Advisors, Assistants and APAs. In addition, many other Members, Secretariat staff and APAs volunteered and were also invited for interviews. We were pleased by the high level of openness and trust that interviewees showed in these interviews, based on the understanding that the interviews were confidential.

In addition to the interviews, three *anonymous surveys* were launched to Members, Secretariat staff and APAs.

This was not a forensic investigation in the legal sense of this concept.

2) *Second Phase (March-June 2023)*: Assessment and Recommendations.

This phase consisted of reviewing the existing rules and procedures based on the analysis of a scenario of new risks.

The *methodology* used for the second phase is that of legal analysis in which the experts have reviewed the existing procedures and rules, identifying possible deficiencies and

gaps. This was done in view of the events that occurred that have revealed a *new scenario of risks*, the consequences of which are far reaching and will require a more in-depth and detailed analysis, but which, nevertheless, allows us to offer some preliminary conclusions in light of existing risk areas and new risk areas.

We present a series of recommendations addressed to the different regulatory levels, as well as recommendations within the framework of self-regulation that could be implemented by any Parliamentary Group itself as immediate measures to avoid political interference and risks of *geostrategic corruption*.

III. BRIEF EXPOSITION OF THE CASE: *QATARGATE*

In December 2022, the so-called *Qatargate* case came to light in the framework of the European Parliament. From the information that became publicly known and was published in the media, the investigation was started in July 2022 by the Central Office for the Repression of Corruption (*Office central pour la répression de la corruption, OCRC*), a unit of the Belgian Federal Police - based on information received from the Italian and Greek police - into an alleged criminal organization.

Furthermore, from the information in the media it can be deduced that, allegedly, there has been interference by third States - apparently Qatar and, according to some other journalistic sources, also Morocco and Mauritania[2]- in the decision-making processes of the European Parliament on matters of interest to them.

These countries seem to have interfered inappropriately through the payment of bribes - consisting of cash, gifts, trips, among others - to members of Parliament. These countries appear to have been in contact with current and former parliamentarians and their collaborators and to have sent money to pay favours through an NGOs - *Fight Impunity*, linked to one of said former parliamentarians, and *No Peace Without Justice (NPWJ)*, linked to other persons who are being investigated.

The police investigation is still ongoing and has resulted in the arrest of several (current or former) members of Parliament, as well as entries and searches in various private homes and offices in the buildings of the European Parliament. The dimension of the case can be seen in the million and a half euros seized in cash in the homes and/or safe deposit boxes of just a few people (members or ex-members of the European Parliament).

The charges that are being investigated are for alleged crimes of *criminal organization*, *money laundering and corruption* through bribery and influence peddling.

This appears to have targeted for example, the European regulation regarding the *liberalization of visas for entry into the EU*, *and, more broadly, the public opinion to help improve the reputation of the States* (for example, in matters of Human Rights, in view

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[2] https://www.abc.net.au/news/2023-04-12/qatargate-what-do-we-know-about-the-eu-corruption-scandal/102211446

of the Football World Championship in Qatar), among those that have come to light so far and are known from the media information.

It has also come out that the receipt of numerous payments, at least in some cases, took place through payments or donations made by institutions and/or individuals (third State interest representative) to NGOs related to former parliamentariansIt

IV. GENERAL PROBLEM

IV.1. CLASSIC SCENARIO: INFLUENCE PEDDLING, CONFLICT OF INTEREST AND THE PRIVATE SECTOR

Influence peddling is, together with bribery, one of the crimes considered classic within the framework of the *phenomenon of corruption*. However, the normative approach to countering such cases has been from the perspective of possible corrupt relationships between private interests and officials and/or public authorities, either because the behavior of individuals who request favours from members of the authority, or because there are officials or public authorities who demand gifts in exchange for decisions benefitting third parties (private persons, companies). The conducts are in any case punishable even if one of the parties did not agree, either to pay or to do the improper favor.

Hence, most of the regulations that have been developed to prevent these behaviours have focused on one particularly factual constellation: *possible undue influence from the private sector* in *public contracting processes*, in *legislative or executive decision making processes*.

Regulations have attempted to distinguish between lawful lobbying (ways for interest groups to participate in democracy in the adoption of legislative decisions that affect them) and undue interference or corruption. Public policies and regulations governing the participation of the private sector in decision-making processes fundamentally aim to ensure that all voices can be heard to improve regulatory quality while at the same time introducing mechanisms to regulate the interaction processes between the private and public sectors: transparency requirements, lobby regulation, lobby registers, publication and publicity of agendas, provisions of ethical or conduct codes, standards to accept gifts, the regulations governing conflicts of interest, among the most important.

However, the scenario that emerged from the *Qatargate* case, where *states* rather than private interests are the actors, requires a more precise diagnosis of the risks and an analysis of how to reinforce and develop additional prevention policies to those that already exist.

IV.2 *NEW SCENARIO*. INFLUENCE PEDDLING AS POLITICAL INTERFERENCE OF THIRD STATES IN THE ADOPTION OF POLITICAL AND LEGISLATIVE DECISIONS OF DECISION-MAKING BODIES: *GEO-STRATEGIC CORRUPTION.*

It is, of course, not new for States to promote their interests, directly or by supporting their country's large companies/corporations abroad. When this was done through classic international economic relations and trade agreements, it was at least subject to some democratic scrutiny and transparency. This could also be linked to wider political objectives and acquired the name of *economic diplomacy*. But when companies or even states resorted to bribery and corruption, a line was passed. An attempt to regulate abuse of this kind by companies was made in 1997, when the OECD adopted the *Convention on combating bribery of foreign public officials in international business transactions*[3], but even before that convention was adopted, the USA already launched their *Foreign Corrupt Practice Act of 1977*[4] *following inter alia the outbreak of the Lockheed scandal.* These were aimed at prohibiting bribery and influence peddling - not just for noble reasons of principle, but to protect domestic companies from unfair competition.

More recently, *economic diplomacy* - see for example the use of Russia's energy policy in its different bilateral relations with Member States of the EU, particularly Germany and France - has been carried out by governments as an international relations policy to affect bilateral relations. Its disadvantages have also been exposed in the light of the most recent and tragic events. But the way in which these relations have taken place, however, took the form of commercial alliances that were explicit and were publicly known.

What happened in the present case, however, goes well beyond these classic scenarios. On the contrary, it puts at the centre of the discussion what in recent years has been called *geo-strategic corruption*[5]*: States that opt for strategies to influence public policies outside the lawful process of diplomatic relations and agreements between States.*

This *modus operandi* opens, without any doubt, a *new scenario of risks in international diplomatic relations*. Traditionally, agreements between states and the governments that represent them are the proper channels of diplomatic relations. The new modus operandi - *bribery* - is the same as in the classic scenario, but the *context and impact* of the decisions - political decisions or legislative decisions sought by third states - acquire dimensions of another magnitude, in this case weakening the institutions of the EU. It is more than likely that these risks do not only affect the EU, but the fact is that the *Qatargate* case surfaced in the European Parliament.

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[3] https://www.oecd.org/corruption/oecdantibriberyconvention.htm, https://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf

[4] https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act

[5] "The Rise of Strategic Corruption. How States Weaponze Graft", *Foreign Affairs*, July/August, 2020, by Zelikow/Edelman/Harrison/Ward Gventer, https://www.foreignaffairs.com/articles/united-states/2020-06-09/rise-strategic-corruption

And we can be sure that this case, which was relatively unsophisticated (cash in suitcases) in exchange for apparently relative minor advantages, are likely to be the *tip of the iceberg*: more sophisticated corruption, on more significant issues, by larger and more hostile third countries, pose an even bigger potential threat to the EU and its Member States.

This *risk scenario* undoubtedly poses unprecedented challenges as it affects two very complex areas: the institutional structure of decision-making within the framework of the EU - the Commission, the Council and the Parliament - , on one hand, and, on the other hand, the *rules and uses in diplomatic relations* in bilateral and multilateral relations.

The organization of the EU legislative process, by its supranational nature, is different to the legislative activity of the parliaments of any individual State. It is not possible to fully analyse these differences in this study report. What we can say is that, on the one hand, the legislation that the EU adopts is usually subject to much more deliberation and scrutiny from different perspectives than national legislation is. At national level, a government can often get its legislation through its parliament as initially drafted with little change, thanks to its compliant "governing majority". At EU level, legislation is prepared by a politically diverse Commission, then examined by 27 national ministers in the Council whose ministries have each made their own appraisal, as well as by MEPs in a parliament which is elected by proportional representation and comprises parties that are in government and parties that are in opposition in every Member State. Furthermore, many items that at national level would be dealt with by the executive (*statutory instrument / arrêté royal / décret/ etc*), go through a full bicameral legislative procedure when dealt with at EU level. This makes it much more difficult for an outside actor to influence, given the number and diversity of participants in the decision-taking procedure.

On the other hand, from an interference risk area point of view, there are considerably more moments where decisions are made. Every moment of decision-making is - in this sense - a risk area where improper influence can achieve its purpose. And some specific risk areas of the institutional structure and practices of the EU are known and have been pointed out by recent studies[6]. Particularly, certain risk areas of the legislative process[7] should be highlighted.

The complex institutional system of "co-decision" between the EP and the Council (Ordinary Legislative Procedure / OLP)[8], sometimes makes it very difficult to

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[6] See the detailed analysis of Transparency International-EU, "One Rule for Them, One Rule for Us. Integrity double standards in the European Parliament", 2021 (an update of the first in-depth study on the EU integrity system), which points out the areas of existing risks in the administrative and legislative processes, pp.14 ss., pp. 23 ff., as well as an important catalog of policy recommendations: https://transparency.eu/wp-content/uploads/2021/02/EUIS2_EP.pdf ; *Executive Summary* pp. 4 f.

[7] *Op. Cit.,* Transparency International-EU, *cit.* Fn 4, pp. 23 ff.

[8] Art. 289 TFEU and Title II, Chapter 4, Parliament's Rules of Procedure (78 a-e). See in-depth analysis, *Op. cit.,* Transparency International-EU, *cit.* Fn 4, pp.24-30, on trilogues transparency between Commission, Parliament and Council. See Council document 9493/20, 9 July 2020, on Strengthening legislative transparency, https://data.consilium.europa.eu/doc/document/ST-9493-2020-INIT/en/pdf. *De Capitani v. Parlement*, (Case T-

exhaustively monitor how agreements are reached. The same applies to the budget procedure, the consent procedure (which includes the approval of international agreements entered into by the EU) and the procedure for objecting to delegated acts adopted by the Commission. Hence, only an exhaustive analysis of all the rules and procedures will be able to offer a clear scenario of specific risks that allow the determination of possible specific prevention measures for each of the different risk areas in the legislative decision making process[9]. In the Qatargate case it has been shown, perhaps surprisingly, that a particularly important risk area has turned out to be the Subcommittee of Human Rights, whose decisions seem to have conditioned other political decisions in this case. But surely not only this risk area. Other areas, such as AI or cryptocurrencies should be also reviewed.

It is also important to mention the complex administrative structure and the adoption of internal decisions that are not legislative. Here too, it is necessary to undertake a detailed risk analysis in order to develop adequate measures to prevent said risks in decision-making[10].

Such an analysis is a task that goes far beyond the scope of the mandate for this report, and will have to be dealt with by the Parliament itself[11] with a deep analysis of the rules and abuses of diplomatic relations and international political relations.

This means that EU bodies should identify not just state actors as such, but also "States Intermediaries" that serve as conduits for external interference, additional to activities of states as such.

Traditionally, State representatives are the accredited and permanent diplomatic missions or delegations of a State in another State. As we shall see, the rules governing their access to the institutions must be reviewed (revision of the Interinstitutional Agreement of 20 May 2021, or unilateral rules by and for the EP). But intermediaries are more difficult to deal with. Some may be politicians who, in exchange for favours, act on behalf of the state, as has been seen in the *Qatargate case* - and other incidents reported by the press that have similar characteristics. Others may be think tanks, NGOs or others who do not always even recognize themselves as intermediaries of a State, but rather, consider that their opinions are public expressions within the framework of their own freedom of expression. Many of these do not fall under the terms of the lobbying transparency regulation.

Since years, we have also witnessed the existence of *consulting or communication companies*. Some of them also analyse and issue opinions in favour of clients that are States, directly or indirectly through foundations, associations, etc.

540/15) (2015/C 398/72), OJEU C 398/57, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62015TN0540

[9] *Op. Cit., Transparency International-EU, cit. Fn 4, pp.14 ss., pp. 23 ff.*

[10] *Op. Cit., Transparency International-EU*, *cit.* Fn 4, pp. 14 -22.

[11] See Recommendations, VI.

In the same line, the European Parliament "*Friendships Groups*" with third countries shows another risk area that permits a parallel channel of communication beyond the mechanisms established for EU foreign relations and the representations of diplomatic missions of the States accredited to the EU. Here, the European Parliament is already taking action.

These two forms of representatives of third-country interests (directly by diplomats or indirectly through intermediaries) often make it possible to approach parliamentarians while avoiding the established transparency mechanisms: there is no obligation to report the meetings and/or encounters, nor their purpose. Yet, they can be used for strategic or geostrategic corruption.

Therefore, a first urgent measure is required in the form of a new understanding of who can be considered "representatives of states" from the perspective of possible political interference from third States in decision-making processes affecting vulnerable policy areas.

This will require a deep and detailed study by the Parliament of the complex processes in which political decisions are adopted in vulnerable policy areas.

However, regarding the purpose of this report, we have made an exhaustive analysis of the current existing regulations and practices on integrity and transparency in the lobby transparency/conflict of interest field, to detect areas for improvement from the perspective of this new risk scenario, as well as recommendations that can be made to the Parliamentary Group to promote new integrity policies at Parliament or indeed EU level, as well as those that, within the framework of possible self-regulation, can be adopted by the Group itself as preventive and self-protection measures against these risks.

V. FIRST PHASE. INFORMATION AND RESULTS OF INTERVIEWS AND SURVEYS

V.1. *INTRODUCTION*

This phase consisted of *confidential personal interviews* with the Members and staff, as well as three anonymous written surveys addressed to MEPs, Staff and APAs. Both the interviews and the surveys provided a wealth of useful information, all of it directly related to the scope of this inquiry.

The one-to-one personal interviews took place with a representative *sample of 80 people*, coming from the Bureau, the Members, the President's Cabinet, top Management of the Secretariat, Political Advisors in the Secretariat, Assistants and APAs. We were pleased by the high level of openness and trust that interviewees showed in these interviews, based on the understanding that the interviews were kept confidential. Beyond the original sample, *many other people volunteered* to share their experiences with us. Every interview was unique and built on the information obtained

through previous interviews. This enabled us to strongly corroborate the various answers to our questions and the information volunteered by interviewees.

In addition, three distinct and anonymous written surveys were conducted with the Members, the Secretariat staff and the APAs. Here also, the response rate of *206 answers* was significant.

Both the interviews and the surveys allowed us to get a clearer image with regard to the four components of our mandate:

- *identify the missing or failing safeguards;*
- *analyse the accountability process;*
- *identify other shortcomings in the current framework;*
- *make recommendations to increase transparency and accountability.*

V.2. INFORMATION AND RESULTS OF THE INTERVIEWS AND SURVEYS

Interference necessitates at least two parties: on one hand the party who tries to interfere and on the other hand the party who lets him/herself be influenced. There is not too much one can do against the intention of a third party to interfere. An extreme measure would be to eliminate all contacts with third parties, but this would totally undermine the tasks of the Members of the Parliament.

In our inquiry, based on the methodology applied, we did *not discover any case (except the ones already under investigation or highlighted by the press) where money or other (in)tangible benefits were received.*

We specifically checked with the APAs on the existence of retrocession of salaries. *No existence was identified in the S&D Group.*

It is important to emphasize that, during our inquiry, we never intended to duplicate or to interfere with the current work of the authorities. As such, people who have been in custody for the Qatargate case were not interviewed or approached. It is also, of course, unlikely that Members or staff who did something wrong in the past, but yet to be uncovered, would admit these kinds of wrongdoings in an interview.

Therefore, in the inquiry we focused heavily on *how strong the defence mechanisms are inside the S&D Group.* Rules and regulations can indeed only be fully effective if the environment and culture are strong enough to, on the one hand respect these rules and regulations, and on the other hand to monitor the compliance with these rules and regulations. A strong cultural environment would also allow for a strong preventive early warning system of preventive and detective controls.

A strong cultural environment requires *trust, integrity, proper tone at the top, proper accountability, good communication, commitment to quality and clear allocation of responsibilities*.

The interviews and the survey results identified a number of weaknesses in this regard and we will finalize this part of our report after we have had an opportunity to discuss them in-depth with the full Bureau.

[…]

V.3. OVERALL CONCLUSION OF PHASE 1 *[PENDING]*

VI. SECOND PHASE. ANALYSIS OF EXISTING RULES.

VI.1. EXISTING RULES ON ETHICS, CONFLICTS OF INTEREST, TRANSPARENCY FOR MEPS AND STAFF, AND DISCIPLINARY PROCEDURES.

Provisions that lay down ethical requirements on MEPs and staff, and corresponding disciplinary procedures – as well as safeguards and immunities - are spread over many documents at various levels of the legal hierarchy, ranging from treaty-level provisions to legislation, inter-institutional agreements, EP Rules of Procedure, and decisions of the Parliament as a whole or of its Bureau or of its Secretary General. In addition, the S&D Group has its internal Group Rules of Procedure and additional internal staff rules.
These are the key provisions in which such measures can be found (or where their absence is conspicuous):

Treaties

1. **Protocol 7 to the Treaty on the Functioning of the EU** (Articles 7, 8, 9, 11, 17, and 18)[12]

Legislation

2. **The Members' Statute** (Articles 1, 2, 3, 9, 10, 13 and 21)[13]
3. **The Staff Regulations** (Articles 11, 11a, 12, 12a, 12b, 13, 15,16, 17, 17a, 18, 19, 20, 21, 21a, 22, 22a, 22b, 23, 24, 86, ANNEX IX and, for Accredited

[12] European Union (2004). *7. Protocol on the privileges and immunities of the European Union*. Online: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2004:310:0261:0266:en:PDF#:~:text=The%20Member%20State%20in%20whose,States%20accredited%20to%20the%20Union.&text=Privileges%2C%20immunities%20and%20facilities%20shall,the%20interests%20of%20the%20Union [12.06.2023].
[13] European Parliament (2005). *Decision of the European Parliament of 28 September 2005 adopting the Statue for Members of the European Parliament (2005/684/EC).* Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005Q0684 [12.06.2023].

Parliamentary Assistants, Arts 127 and 129 of the CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EU, TITLE VII)[14]

4. **The Financial Regulation** (Articles 61, 74, 93, 136-145)[15]
5. **The Regulation on investigations conducted by OLAF** (Articles 1, 4-14)[16]

Inter-institutional Agreements

6. **Inter-institutional Agreement (IIA) on a Transparency Register** (Articles 1-6 and Annexes I, II and III)[17]
7. **Political Statement of the EP, Council & Commission on the occasion of the adoption of the IIA**[18]
8. **Inter-institutional Agreement on OLAF investigations**[19]

EP Rules of Procedure

9. **Relevant Rules of Procedure of the European Parliament** (Rules 2, 5-18, 21, 35, 123, 176 and 177)[20]
10. **Code of Conduct for MEPs (annexed to the Rules of Procedure)**[21]
11. **Code of Appropriate Behaviour for MEPs (annexed to the Rules of Procedure)**[22]

Commission decision

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[14] European Atomic Energy Community and European Economic Community (2014). *Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community*. Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01962R0031-20140501 [16.06.2023].

[15] European Parliament and Council (2018). *Regulation (EU, Euratom) 2018/1046 of the European Parliament and council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulation No 1296/2013, (EU) No 1301/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.* Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1046 [13.06.2023].

[16] EU Regulation 883/2013, 11.9.2013 on instigations conducted by OLAF.

[17] Council of the European Union, European Commission, and European Parliament (2021). *Interinstitutional agreement of May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register.* Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021Q0611(01) [12.06.2023].

[18] Council of the European Union, European Commission, and European Parliament (2021). *Political Statement of the European Parliament, the Council of the European Union and the European Commission on the occasion of the adoption of the interinstitutional agreement on a mandatory transparency register*. Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021C0611(01) [12.06.2023].

[19] Council of the European Union, the Commission of the European Communities, and the European Parliament (1999). *Interinstitutional agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office* (OLAF). In: Official Journal of the European Communities, L136/15 – L136/19. Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999Q0531 [12.06.2023].

[20] European Parliament (2023). *Rules of Procedure. 9th Parliamentary term*. Online: https://www.europarl.europa.eu/doceo/document/RULES-9-2023-05-08_EN.pdf [12.06.2023].

[21] European Parliament (2023). *Annex 1 to Rules of Procedure. 9th Par*liamentary term. ANNEX I Code *of Conduct for Members of the European Parliament with Respect to Financial Interests and Conflicts of Interests*. Online: https://www.europarl.europa.eu/doceo/document/RULES-9-2023-05-08_EN.pdf [12.06.2023].

[22] European Parliament (2023). *Rules of Procedure. 9th Parliamentary term. Annex II: Code of appropriate behaviour for Members of the European Parliament in exercising their duties.* Online: https://www.europarl.europa.eu/doceo/document/RULES-9-2023-05-08_EN.pdf [12.06.2023].

12. **Commission Decision (EU) on the Rules of Procedure of the Panel referred to in Article 143 of the Financial Regulation**[23]

EP plenary decisions

13. **Paragraph from EP resolution on the conclusion of the IIA** (paras 19, 20 and 21)[24]

14. **EP decision on conditions for OLAF investigations** (Articles 1-7)[25]

EP Bureau decisions

15. **Implementing measures for the Statute for MEPs**[26]

16. **Implementing measures for the Code of Conduct for MEPs** (Articles 1-6 & 6-10)[27]

17. **EP Bureau Notice on the Implementation of the IIA**[28]

18. **Code of conduct for staff** (Section I parts A, B and C, Section II parts E and F, section III Introduction and parts A and D, Conclusions)[29]

19. **Specific rules relating to Accredited Parliamentary Assistants** (Article 39)[30]

20. **Rules relating to Local Assistants (**contain no ethics provisions nor any EP disciplinary procedures – all are a matter for any applicable national law)[31]

21.**EP Bureau decision concerning MEP's trainees** (Articles 1-3, 6, 12)[32]

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[23] European Commission (2018). *Commission decision (EU) 2018/1220 of 6 September 2018 on the rules of procedure of the panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council*. Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018D1220 [12.06.2023].

[24] European Parliament (2021). *European Parliament decision of 27 April 2021 on the conclusion of an interinstitutional agreement between the European Parliament, the Council of the European Union, and the European Commission on a mandatory transparency register (2020/2272(ACI)).* Online: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2004:310:0261:0266:en:PDF#:~:text=The%20Member%20State%20in%20whose,States%20accredited%20to%20the%20Union.&text=Privileges%2C%20immunities%20and%20facilities%20shall,the%20interests%20of%20the%20Union [12.06.2023].

[25] European Parliament and Council (2013). *Regulation (EU, EURATOM) No 883/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999*. Online: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0883 [14.06.2023].

[26] EP Bureau Decision concerning implementing measures for the Statute of MPEs (as last amendment in 2022).

[27] Bureau of the European Parliament (2013). *Bureau decision – Implementing measures for the code of conduct for Members of the European Parliament with respect to financial interests and conflicts of interest*. Online: https://www.europarl.europa.eu/pdf/meps/926701_1_EN_IM_DEF.pdf [12.06.2023].

[28] EP Bureau Decision of 15.4.2013.

[29] Bureau of the European Parliament (2008). *Guide to the obligations of officials and other servants of the European Parliament. Code of conduct adopted by the Bureau on 7 July 2008*. Online: https://www.europarl.europa.eu/RegData/PDF/406411_EN.pdf [12.06.2023].

[30] Bureau of the European Parliament (2014). *Implementing measures for Title VII of the conditions of employment of other servants of the European Union.* Online: https://www.asktheeu.org/de/request/1378/response/4971/attach/2/implementing%20measures%20accredited%20assistants.pdf [12.06.2023].

[31] Bureau of the European Parliament (2009). *Rules relating to local assistants and service providers – bureau decision of 6 May 2009.* Online: https://www.asktheeu.org/de/request/1378/response/4971/attach/3/local%20assistants%20and%20service%20providers.pdf [12.06.2023].

[32] Bureau of the European Parliament (2018). *Rules concerning Members' trainees – bureau decision*. Online: https://www.europarl.europa.eu/at-your-service/files/work-with-us/traineeships/home-page/en-mep-traineeships-rules.pdf [12.06.2023].

22. **Facilities granted to former MEPs**[33]

EP Conference of Presidents decisions

23. **Implementing provisions governing the work of EP delegations and missions outside the EU (Articles 3-16)**[34]

24. **Rules concerning the establishment of intergroups**[35]

EP Secretary General decision

25. **EP internal rules implementing Article 22c of the Staff regulations**[36]

S&D Group decisions

26. **S&D Group Rules of Procedure** (Rule 2, 47 and 48)[37]

S&D Group Bureau decisions

27. **Internal Rules of the S&D secretariat** (Sections 1.1, 1.2 and 2.2.1)[38]

This range of rules is to a degree inevitable, with some of them laid down by Member States (through the treaties), others at EU level and others as the internal implementing measure or supplementary measures by the institution. Consequently, any changes to them require different procedures:

- For item 1, the treaty revision procedure (IGC, signature, national ratification by all Member States)
- For item 2, a special EU legislative procedure (EP with the consent of the Council)
- For items 3, 4 and 5, the ordinary legislative procedure (EP and Council jointly with successive readings)
- For items 6, 7 and 8, the negotiation of a new IIA between the EP, Council & Commission and the approval of each institution (simple majority in EP and COM, QMV in Council)
- For items 9, 10 and 11, a revision of the EP Rules of Procedure (approval by a majority of all MEPs)
- For item 12, a Commission decision
- For items 13 and 14, a resolution of the EP (simple majority of MEPs voting)
- For items 15 to 22, a decision of the EP Bureau (President + 14 VPs, by simple majority)
- For items 23 and 24, a decision of the EP Conference of Presidents (by a majority of the votes weighted by political Group size)
- For item 25, a decision of the EP Secretary General

[33] EP Bureau Decision of 12.4.1999. Consolidated on 3.5.2004 and 16.6.2009.
[34] EP Conference of Presidents Decision of 29.10.2015.
[35] EP Conference of Presidents Decision of 16.10.1999.
[36] Secretary of the European Parliament (2015). *INTERNAL RULES IMPELMENTING ARTICLE 22c OF THE STAFF REGULATIONS.* Online: http://transparency.eu/wp-content/uploads/2019/01/EP_whistleblowing-rules_en.pdf [14.06.2023].
[37] S&D Group (2017). Rules of Procedure. Online: http://www.socialistgroup.ep.parl.union.eu/sdportal/infopage/service/GRBO [03.07.2023].
[38] Adopted by the Joint Committee and Bureau of the S&D Group on 8.4.2014.

- For item 26, a decision of the S&D Group (by a majority of its members
- For item 27, a decision of the S&D Group Bureau (by a simple majority, as long as 6 of its 11 members are present)

Fortunately, not all of them require change, as we shall see below, and in many instances, what is required is better enforcement of existing rules.

Nonetheless, it would be useful if in future the EP were to publish a compendium of all ethical rules applicable to its Members and staff, in one easy-to-find location. It is currently not easy to know all the rules contained in such a variety of texts at different levels of the legal hierarchy, and sometimes cross-references refer to older versions of texts or even to structures that no longer exist.

VI.2 DEFICIENCIES OF EXISTING RULES AND PROPOSALS FOR THEIR AMENDMENT OR THEIR BETTER APPLICATION.

As noted in the previous sub-section, rules governing the conduct of Members and staff can be found across many documents with different legal status. In trying to identify shortcomings in those rules, we are acutely aware:

- That even the best rules can be circumvented by those determined to act illegally: the allegations surrounding "*Qatargate*" are not just about potential violations of EU rules and standards, but about breaking criminal law. Nonetheless, good rules and procedures can help identify potential cases of misconduct and interference, as well as help to foster an environment and a culture of appropriate behaviour and transparency.

- That it is not just a matter of the rules themselves, but about how they are applied and enforced.

- That the existing rules were essentially designed to prevent undue influence from lobbies and cases of conflicts of interest with them, but neglected the possibility of inappropriate influence from third country governments.

- That the EP is already addressing these issues and some reforms are underway (which may mean that some of our proposals are out of date by the time this report is finalised and published). Most of these reforms can be done internally by the EP, while others may require the revision of inter-institutional agreements or legislation.

- That the S&D Group is supporting reforms but may wish to go further in its internal rules, especially if it feels the EP reforms are inadequate or too slow.

- It is important that the reputational damage that has been suffered is rectified by vigorous action designed to minimise risks in the future. We recognise that there is a risk that tighter rules and reporting requirements and disciplinary procedures can, in a fraught political context, also sometimes give rise to malicious or vexatious complaints that are not based on facts. This in turn requires that procedures for handling complaints are speedy and impartial.

We shall now examine: (1) *deficiencies in the existing rules*, (2) *problems in the application and enforcement of rules*, (3*) further measures that could be taken*, and (4) *what the S&D Group might do internally, in addition to supporting reforms in the EU and EP rules*, given that there is room for self-regulation measures that can be adopted in order to improve good practices and transparency.

(1) Deficiencies in the texts of the pre-existing EU and EP rules

In examining all the rules mentioned in the previous section, as they existed prior to the recent events, we have identified the following shortcomings:

The Members' Statute

- This contains no provision for the suspension or reduction of a Member's salary, or a former Member's pension, in the event of being condemned by a court for a serious criminal offence. It should be amended to provide for such a possibility, with appropriate safeguards such as rights of appeal (including to European courts) being exhausted, and immunities being waved.

The IIA on the Transparency Register:

- The definition under Article 2 (g) does not cover MEP's local assistants. As local assistants can also be approached by organisations subject to the scope of the Transparency Register (whether in the Members' constituency or when they occasionally come on mission to the Parliament), they should be covered by the corresponding duties that apply to other categories of staff.

- The exemption given under Article 4(2) (d) means that diplomats and officials from third countries are not subject to the Transparency Register requirements. Recent events show that they should be. If agreement to change the IIA cannot be secured from the other institutions, then the EP must modify its own rules in order to lay down equivalent requirements to diplomats and officials from third countries [*see below*].

- Section III of Annex II (Financial Information) should require the disclosure of any sums received from governments of third countries.

- The deadline for complaints, laid down in point 2.1 (c) of Annex III, should be longer than just one year.

- It would be advisable to add a new point 11 to Annex III, specifying that if the Secretariat of the Transparency Register becomes aware of behaviour that potentially amounts to fraud or corruption, it shall refer the matter to the appropriate authorities (police, OLAF, etc, as appropriate).

<u>The EP decision of the 27 April 2021 on the conclusion of the IIA on the Transparency Register</u>

Several items in paragraphs 19, 20 and 21 of this decision required follow up action by various authorities in the Parliament, but this appears not to have happened, [*although we understand that this is now underway in at least some cases and indeed should go further*]. Theses paragraphs notably required:

- *The Bureau and other relevant bodies to*:

    - establish direct links between the publication of Members' meetings under Rule 11(3), and their declarations of financial interest under the Code of Conduct, with the Transparency Register.
    - introduce a rule for Parliament's officials from Head of Unit level to Secretary General, to meet only with registered interest representatives;
    - make participation as a speaker at all events organised by committees, intergroups or delegations, conditional upon registration for anyone falling under the scope of the transparency register.

- *The Conference of Committee chairs to:*

    - adopt guidelines to support rapporteurs, shadow rapporteurs and committee Chairs to fulfil their obligations under Rule 11(3), and for committee secretariats to systematically remind them of the possibility to publish the list of interest representatives who have been consulted on the subject of a report.

- *AFCO to*:
    - consider, in the process of revision of the EP Rules of Procedure, further transparency measures to enhance Parliament's commitment to the joint framework.

This failure by various EP authorities to apply measures already approved by Parliament in plenary session, even if delayed by the Covid pandemic, could be indicative of a lax approach to these matters.

All the requirements of this parliamentary decision must now be followed up and in some cases taken further (see below).

<u>The EP Bureau note (No 1/2016) on the implementation of the IIA on the Transparency Register:</u>

- The paragraph on the Legislative Footprint states that the responsibility of the rapporteur is "purely voluntary". Given that Rule 11(3) of the EP Rules of Procedure requires rapporteurs (and shadow rapporteurs and committee chairs) to publish the footprint on the EP website, it should be equally mandatory for them to publish it in their parliamentary reports.
- The same paragraph refers to such footprints being "non-exhaustive", creating a *massive loophole*. Those two words should be deleted.

<u>EP Rules of Procedure</u>

- *Rule 10* (Standards of Conduct) mentions, inter alia, the Code of Appropriate Behaviour but does not mention the Code of Conduct. It should mention both.
- *Rule 11* (Members' financial interests and Transparency Register):

  - Paragraphs 2 and 3 use the word "should" instead of the usual term "shall". This weakens the obligation and must be rectified.
  - The same paragraphs refer only to meetings with interest representatives carried out by the Member, and not those carried out on his/her behalf by staff (APAS, Committee staff, Group staff, local assistants). It should do so.
  - Paragraph 3 should refer not only to "interest representatives falling under the scope of the Transparency register", but also to representatives and diplomats of third countries (unless and until the Transparency Register is changed to cover them).
  - The words "Without prejudice to Article 4(6) of Annex I" should be deleted from Paragraph 3.
  - In paragraph 4, the auditor's confirmation should become obligatory instead of voluntary. Although this is not directly related to external influence, it is part of the wider reputational damage suffered by the Parliament. Requiring a simple statement from an auditor that the monies in question have been spent on items allowed under the rules, is a non-bureaucratic way of showing that that is the case, without needing a full breakdown of expenditure. Some national delegations in the S&D already follow this practice.

- *Rule 12* (Internal investigations conducted by the European Anti-Fraud Office) refers to Agreements and Decisions that have since been supplemented by the EP & Council regulation 883/2013 of 11/9/2013 on investigations conducted by OLAF. The Rule should also refer to this regulation.

- *Rule 35* (Intergroups):

- Paragraph 3 refers to "Parliament's internal rules governing the establishment of such groupings" but does not indicate who adopts those internal rules or where they can be found. Although Paragraph 6 indicates that the "Quaestors shall adopt detailed rules" on the financial declarations of intergroups, it appears that in practice the Conference of Presidents has adopted a set of rules "governing the establishment of intergroups" that includes provisions on their financial declarations. This confusion is unhelpful and the rules adopted by the CoP are themselves problematic (see below).
- Paragraph 7 should specify what should happen when disciplinary action is required (e.g. refer cases to the President for dealing with under Rule 176).

- *Rule 176* (Penalties):
    - Para 1 mentions only breaches of Rules 10 (2) to (9), although the same penalties may also be imposed for violations of the Code of Conduct (see Article 8(3) of the CoC). It would be appropriate to mention those here, and also to add a reference to breaches of Rule 11 (Members' financial interests and Transparency Register) and of Rule 35 (intergroups).
    - Para 4 should allow for tougher penalties for the most serious cases of misconduct. Sub paras (b) and (c) should not be limited to a 30-day maximum, and (d) should allow such a prohibition to extend to the end of the parliamentary mandate. [*See below further considerations on how penalties should be applied*]

<u>The Code of Conduct for MEPs (Annex I to the Rules of Procedure)</u>:

- *Article 3* should also prohibit MEPs having paid side-jobs with organisations covered by the scope of the Transparency Register. (The EP endorsed this view in its resolution of 16 February 2023 on the establishment of an ethics body.)
- *Article 3*, para 3, line 2, where it mentions rapporteurs, should also mention shadow rapporteurs.
- *Article 4*:
    - Para 1 should set a deadline of the <u>start, not the end,</u> of the first part-session, given that Parliament starts electing people to positions during that part-session.
    - Para 2 (c) should specify that generic descriptions of remunerated activity (such as "consultant" or "lawyer") should be more specific and describe the area of activity (including both the economic sector and the type of client)
    - Para 2 (h) should require the exact amounts to be indicated, as endorsed by Parliament in para 13 of its resolution of 15 December 2022 on Qatargate.
    - In addition to remuneration, Members should declare all their assets at the beginning and at the end of their term of office in each legislature (as endorsed by the Parliament in para 22 of its resolution of 15 December 2022 on Qatargate).

    - Para 6 should say that Rapporteurs “shall” instead of “may voluntarily” list in their reports the outside interests they have consulted (bringing it into line with Rule 11(3) of the Rules of Procedure).
- Article 5 should be modified in para 3 to require a declaration by Members of all travel, accommodation, and subsistence worth €150 or more, received in kind or by reimbursement, from third parties. This is currently required under Article 6 of the decision of the EP Bureau of 15 April 2013 laying down implementing measures for the Code of Conduct, but it would be better if it were in the Code of Conduct itself, avoiding the appearance of contradiction between the two. Members should also be required to declare any such items given to their accredited or local assistants.
- *Article 6* should prohibit former MEPs from lobbying activity for the length of time in which they are in receipt of the transitional allowance (which can be up to 24 months). MEPs’ assistants should similarly be prohibited from doing so for 12 months after leaving their assistant job.
- *Article 7:*
    - Para 4: the Advisory Committee on the Conduct of Members should be given the right to make proposals on its own Initiative.
    - Para 5: the Advisory Committee should be able to consult the future EU Ethics Body (once it is set up) and in any case should not be required to consult the President before asking for external advice. [*see below further considerations on the Ethics Body.*] Pending the establishment of the Ethics Body, it should appoint an independent external ethics adviser, selected on the basis of competence, experience, and professional qualities, who should participate in the deliberations of the Committee.

Implementing measures for the Code of Conduct (Bureau decision of 15 April 2013)

- *Article 1*:
    - Para 1(b) limits the scope of these measures to Members receiving gifts while representing the EP in various specific capacities or “on an official mission authorized by the Conference of Presidents or the Bureau”. It should apply to all Members representing the EP on all occasions.
    - Para 2 leaves it to Groups to voluntarily apply these rules to members receiving gifts when representing the Group. It should be obligatory.

EU Staff Regulations

- *Article 16,* third paragraph: prohibits officials, for 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service. This period should be extended to 24 months or, in the case of sectors where on-going procedures can last many months (such as competition cases), longer. It should apply to lobbying activity undertaken not just vis-à-vis the staff of the institutions, but vis-à-vis Members as well.

- *Articles 22a and 22c* need to be reviewed to align them with the relevant provisions of Directive 2019/1937 of 23 October 2019 (the "Whistle-blowers' Directive"). In particular, they do not currently specify whether staff alerting their hierarchy or OLAF to irregularities can do so anonymously if they have good reason to do so.

- *Article 22c* leaves it to each institution to put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after fulfilling their whistleblowing obligations. This has led to divergence among the institutions, including weak provisions in the EP's internal rules [*see next item*].

EP internal "whistleblower" rules applying Article 22c of the staff regulations (Decision of the EP Secretary General of 4 December 2015)

These too should be aligned with Directive 2019/1937 and updated:

- The definition of a whistleblower in Article 2 does not cover the case of an official passing information directly to OLAF, despite this being explicitly allowable under Article 22a of the staff regulations.

- Footnote 1 refers to the possibility for a whistleblower to refer a matter directly to the Specialised Financial Irregularities Panel set up by the Bureau decision of 10 March 2004. However, this Panel no longer exists. Its functions were transferred in 2018 to the EU's Early Detection and Exclusion System set up in 2016 under the revised EU Financial Regulation, but these internal rules have not been adapted.

- Article 4(1) prohibits anonymous whistleblowing under any circumstances. Given the potentially vulnerable situation in which some staff find themselves, this should be adjusted to provide for a carefully circumscribed procedure, with due safeguards, for anonymous whistleblowing.

- There is no explicit requirement on officials to cooperate with on-going judicial inquiries or to volunteer information to such inquiries.
- There is no allowance for the particular problems that arise in the event of an APA disclosing inappropriate behaviour by their Member, and the vulnerabilities involved. A secure channel for reporting should be set up, as already exists for reporting harassment. As APAs cannot be transferred to another Member nor placed in the administration, provision should be made for whistleblowing APAs to continue to receive their salary for 6 months or until the end of their contract, provided the allegations made are credible. The cost should be deducted from the Member's staff allocation if the allegations made are found to be correct.

Rules relating to Local Assistants (EP Bureau decision of 6 May 2009)

- These rules contain no ethical requirements, which are left entirely to national law. While that might be appropriate for the bulk of what local assistants do in Members' constituencies, it means that they are not covered by EU or EP rules on meeting lobbyists, receiving gifts, side jobs, or contacts with lobbyists or representatives of third countries. The EP Bureau must re-examine this in order to require Members' contracts with Local Assistants or Service Providers to include an obligation on them to notify the Member of any such activity, and to require the Member to declare this activity wherever such declarations would be required of the Member had it been done by him/her personally, mirroring the obligations that APAs have.

Rules relating to Members' trainees (EP Bureau decision of 10/12/2018)

- Here too, there is no provision for Members' trainees (*stagiaires*) to be covered by EU or EP rules on meeting lobbyists, receiving gifts, side jobs, or contacts with lobbyists or representatives of third countries. The EP Bureau should re-examine this in order to include an obligation on trainees to notify their Member of any such activity, and to require the Member to declare this activity wherever such declarations would be required of the Member had it been done by him/her personally.

Facilities granted to former MEPs

- This has already been revised by the EP (Bureau decision of 17 April 2023) and the revision appears adequate, except for *Article 3* which limits the period during which Former Members are prohibited from lobbying vis a vis Parliament only to 6 months after leaving. This should rather be the length of time in which they are in receipt of the transitional allowance [*see above, re Code of Conduct, Article 6].*

Implementing provisions governing the work of parliamentary delegations and missions outside the EU

- Although Article 5 specifies that delegations should represent the Parliament's position as adopted in plenary, and Article 11 specifies requirements concerning Members' duty to contribute to their delegation's work, and Article 14 lays down principles for delegation members' conduct, there is no provision for disciplining non-compliant members, other than the power given to the delegation chair under Article 12 to decide which members travel to "away" meetings. This should be strengthened, and violations made subject to the disciplinary provisions of Rule 176 of the EP Rules of Procedure.
- Annex I specifies the size of each delegation. There is a tradition of every single Member being allocated a place on a delegation, irrespective of the real need for Parliament to have such large delegations (on the contrary, it often gives a bad impression and leaves the door open to less informed members being vulnerable to inappropriate influence from the interlocutors) and also irrespective of the fact that some Members' other duties preclude them from being able to devote

sufficient time to the task. Notwithstanding Article 8(3), which specifies that "over a period of two calendar years, the total number of members allowed to participate in standing inter-parliamentary delegation missions to the third country concerned shall not exceed 50% of the total number of full members of the standing delegation concerned", the Parliament should reduce the size of its delegations and abandon the tradition of awarding a place on one of them to every single Member.

Rules concerning the establishment of intergroups

This set of rules is particularly unclear:

- As noted above, Rule 35(6) of the EP Rules of Procedure provides for the Quaestors to adopt rules on the declarations that intergroups are required to make regarding their external support. Instead, the Conference of Presidents adopted a set of rules on the establishment of intergroups (on 16 Dec 1989, last amended 12 April 2012 - no later version is available on the EP website), which include requirements on declaring their external support.
- Although Rule 35 of the Rules of Procedure specify that intergroups are unofficial, these CoP rules set up a process[39] to effectively recognise a limited number of intergroups, making them quasi-official. Only these recognised intergroups are covered by the CoP rules, thereby leaving outside their scope the "other unofficial groupings" (such as friendship groups) referred to in Rule 35(4), even when they style themselves as intergroups. Although such other groupings may not receive any technical support from parliament (they may not need any), *they escape the reporting requirements laid down in the CoP rules.*
- Article 5 anyway lays down a set of incoherent reporting requirements:
  - That "intergroups must notify their names to the political group responsible for the coordination of the intergroups" – a particularly untransparent place to notify to (with no information available on this on the EP website).
  - At the same time, a "declaration" must be made to the Quaestors, accompanied by the "documents referred to in Article 4" (i.e. documents on (1) who is establishing the intergroup, its name, objective, logo and membership, (2) a declaration of financial interests made by the chair of the intergroup (the same content as for Members as individuals under the MEPs' Code of Conduct).
  - But "any change" must be notified to the political group responsible for coordination.
  - That group "shall ensure that all group chairs, the secretaries-general of the political groups and Parliament's Administration [but not the Quaestors!] are duly informed".
- Article 6 then contradicts Article 5 in laying down that all the officers of the intergroups [not just the Chair] shall be required to declare all direct or indirect

[39] Specifying that intergroups may be set up by members of at least three political Groups if enough signatures are gathered. Each political Group is allocated a limited number of signature rights in proportion to their size, thereby limiting the number of intergroups that are recognized under this procedure and thereby covered by the rules.

financial support which, if offered to members as individuals, would have to be declared" pursuant to the MEPs' Code of Conduct.

- There is no mechanism laid down to prohibit specific groupings, such as friendship groups with third countries, or other groupings that shadow the work of EP bodies, or groupings that challenge the fundamental values of the Union.

These rules need a fundamental overhaul and, for transparency, they should then be made an annex to the Rules of Procedure. Responsibility should lie unambiguously with the Quaestors or another parliamentary body, not with the "Group responsible for coordination". [*See below considerations on inadequate enforcement of the existing rule*]

Missing provisions

- The absence of an Ethics Body, as requested by the EP. The Commission has now made a proposal and the legislative procedure will begin. This should be a priority. The S&D Group should support securing an Ethics Body with external, independent members selected on the basis of their competence, experience and professional qualities. The Ethics body should not only be able to issue general guidelines and advice, but also investigate individual cases of misconduct referred to it and conduct investigations on its own initiative. It should be also authorized to propose penalties in cases of violation of the rules. Its rulings and advice should be followed by Parliament unless, exceptionally and for duly substantiated reasons, the EP Bureau decides otherwise by a two-thirds majority.
- The implementing measures for the Statute for Members of the European Parliament adopted by the EP bureau contain no provisions for disciplining members who make false claims. As there have been several cases, notably on the far-right, such as using service providers or APAs for national party work, this is a serious gap. Fraudulent use of parliamentary allowances has traditionally been dealt with through discreet administrative recovery notice for the amounts in question, without any disciplinary procedures. This must be changed.
- *Quis custodiet ipsos custodes?* As in most parliaments, many of the EP's ethical rules are reliant on enforcement by its President. What would happen if there were ever a corrupt or lax President? The future Ethics Body should be able to hear complaints about the President. Provision should also be made for the President to appear before the Advisory Committee at least once a year to disclose and discuss how he/she has dealt with cases, and also on other occasions at the request of the Advisory Committee. The Committee should itself be able to refer questions to the Ethics Body on its own initiative.

We believe that the S&D Group should support the above changes in the on-going discussions within Parliament. We understand that, in the view of some, imposing certain kinds of obligation on Members through the Rules of Procedure may go beyond what can be done via that legal instrument. We would recommend that Parliament nonetheless changes those rules and, in the unlikely event of the changes being

successfully challenged in the Court of Justice, address the issue via changes to the Members’ statute. The latter is a more onerous and time-consuming procedure, which is why the route of changes to the Rules is preferable.

(2) Inadequate application and enforcement of the Rules.

Besides shortcomings in the rules as such, we have identified the following shortcomings in the way in which they were applied:

- The rule on Intergroups (Rule 35) has not been fully enforced by the Quaestors. The obligation in Para 4 for intergroups and other informal groupings of members to report their support, whether in cash or kind, appears not to be systematically chased up. There are no published cases of any sanctions or reprimands by the Quaestors to intergroups.

- Disclosures on conflicts of interest when being appointed as rapporteur (Article 3, para 3, Code of Conduct) appear to have not always been done. Nor were such declarations required when MEPs were appointed as rapporteurs in sub-committees, or in multilateral parliamentary bodies in which the EP participates.
- Enforcement of the Declaration of Financial Interests of Members (Article 4 of the Code of Conduct) appears to have been lax. Monitoring is carried out by the Members’ Administration Unit in DG Presidency. Where there is a problem, such as the absence of a declaration, the failure to update, lack of clarity, insufficient detail, etc.), the Member concerned is contacted by the unit and allowed a reasonable time to react. Where the clarifications provided are deemed insufficient, the matter is referred to the President, who decides how to proceed. According to the Annual Reports of the Advisory Committee on the Conduct of Members, no such cases have occurred for a number of years. Our discussions with staff and Members confirm that Members with questionable declarations were not systematically chased up.

- The EP website does not make IT linkages between the declarations made by members on financial interests, on conflicts of interest, on the legislative footprint and the lobbyists' entries in the Transparency Register, despite numerous suggestions that this should be done, such as through an "integrity tab" on the EP website.

- OLAF has, it seems, not been granted access to MEPs’ offices, computers or email accounts when conducting an investigation, nor has any procedure been set up for granting such access when OLAF makes a request based on a substantiated suspicion.

- The Transparency Register Secretariat should be strengthened to give it the capacity to inquire further as to registrants’ funding streams and links to third countries.

These shortcomings need rectifying. The Quaestors should ensure that all informal groupings of members report their external support. The secretariat of the Quaestors should be instructed to be proactive on chasing intergroups and informal groupings that fail to forward the necessary information or show other signs of dubious behaviour. Committee secretariats should systematically ask for written disclosures of conflict of interest when a rapporteur is appointed. Staff conducting checks on the Declaration of Members' Interests should be backed up by the authorities and their recommendations followed up. The IT services should make the necessary links and set up a "transparency tab".

(3) Measures that could be taken other than changing the rules for applying them more fully

- The President, on a proposal of the Advisory Committee on the Code of Conduct, should publish a default list of minimum penalties that will be applied under Rules 176(4) of the Rules of Procedure for particular failures to comply with EP rules. For example, for failure to declare a meeting with an organization falling under the scope of the transparency register as required under the rules, or failure to disclose a conflict of interest, or a failure to properly complete the Declaration of Members' Interests:

- a public reprimand if it is minor (such as a marginal failure to meet a deadline)
- otherwise, for the first offence, forfeiture of five days daily allowance
- for the second offence, forfeiture of ten days daily allowance
- for repeated offences, stronger measures in function of the severity of the cases.

- A standard form for declarations on conflicts of interest would make it easier for committee secretariats to chase members, for Members to know what they need to say, and for keeping track afterwards.

- Staff should be encouraged to be more pro-active with Members who show signs of failing to comply with their reporting and disclosure obligations. This applies within the EP administration especially to staff administering the Declarations of Members' Interests, handling disclosures of conflicts of interest, and verifying compliance with the rules pertaining to intergroups, who should systematically monitor compliance.

-The EP should organise systematic staff training, including for Group staff and APAs, on ethical and financial rules and how to comply with them, as well as on whistleblowing procedures.

-The EP should organise regular security and interference training, including digital security training, for all MEPs and staff.

-The EP should introduce security clearances for staff (of all categories) dealing with foreign affairs, security, defence, human rights, AI or trade issues. Staff working in

certain fields should be considered politically exposed persons as defined by the Anti-Money Laundering Directive.

(4) S&D internal measures

S&D Group rules of procedure

- These currently lack any provisions on conflicts of interest. A requirement for Members to declare conflicts of interest should be added to the rules. Such declarations should be made before Members are elected as Group Co-ordinator on a subject, or as Group candidate for membership of a committee or an interparliamentary delegation, and when they speak in Group meetings on subjects where they have a conflict of interest. Group staff should be required to declare their meetings with organisations coming under the scope of the Transparency Register and with representatives of third countries.

- They also currently lack any provisions enabling the Group to sanction its own members, other than by suspending them or expelling them. It would be advisable to have a range of less drastic measures to penalise Members who are not in conformity with the Group's rules, such as not nominating a member as Group representative on delegations, committees, PES bodies, or as rapporteur.

Self-regulation measures in the event of potentially insufficient EP reforms

- If the reforms of the EU's and EP's rules outlined above fail to materialise, possibly due to opposition from other Groups or institutions, then the S&D Group should introduce as much as it can by internal procedures. For example:
    - It could require its Members (as a condition for membership of the Group), to make full disclosures of their and their assistants' meetings with organisations falling under the scope of the Transparency Register and with diplomats and other representatives of third countries, and to undertake to do so also in the "legislative footprint" of their reports whenever they are rapporteur.
    - It could do the same regarding EP Rule 11(4)
    - It could prohibit S&D MEPs from having paid second jobs with organisations covered by the scope of the Transparency Register.
    - It could require S&D MEPs to disclose exact amounts, rather than broad categories of income, in the EP's Declaration of Members' Interests and to declare their assets at the beginning and at the end of their term of office in each legislature.
    - It could encourage its Members to include, in contracts with Local Assistants or Service Providers, an obligation on them to notify the

Member of any meetings with lobbyists, diplomats, and of any gifts received, and require the Member to declare this activity wherever such declarations would be required of the Member had it been done by him/her personally.

One might think that being more rigorous and transparent than other Groups could be a disadvantage. Far from it, these changes would undoubtedly make it possible to show that this Group has higher standards and would make it more resilient.

Other:

- The Group should take a decision under Article 1 para 2 of the Code of Conduct to apply to Members representing the Group, the same rules on gifts that apply to Members representing the Parliament.

- The Group should maintain its new "Transparency Now" working group and staff Task Force, (or appoint a dedicated Vice-President or other officer, assisted by adequate Group staff), charged with monitoring compliance by Members with their various ethical obligations, drawing their attention to any failure to meet deadlines or to fully comply with the requirements and making enquiries about information that could give rise to concern. If necessary, they shall draw the attention of the Group Bureau to problems that could affect the reputation of the Group, and the Bureau should decide on appropriate action.

- The Group should organise its own information sessions for Members and training sessions for staff on such matters, where such training is not provided by parliament
- The Group should rotate staff dealing with foreign affairs, security, defence, human rights, AI or trade issues, and its representatives with third countries in vulnerable policy areas
- Internal disclosure and internal register of meetings with any third country representative in vulnerable policies areas
- Participation of at least 2 or 3 people from the group in such meetings

Some of the above measures could be taken with immediate effect, while others could enter into force with the new Parliament to be elected next year.

VI.3. OVERALL CONCLUSION OF PHASE 2.

1. There are numerous deficiencies in the various EU and EP rules and provisions that lay down ethical behaviour for Members and Staff. There are gaps, unclear wording, weak provisions, contradictions, failures to update cross-references, and failures to follow-up decisions taken by the plenary of the European Parliament. The S&D Group should support the nearly 50 changes outlined in Section VI.2 (1) above.

2. There are also shortcomings in the way in which the existing rules were applied. The Group should support rectifying these, as outlined in Section VI.2 (2) above.

3. The Group should look beyond rules, and press Parliament and/or its President to carry out the additional measures outlined in Section VI.2 (3) above.

4. The Group should also adopt internal measures as outlined Section VI.2 (4) above. Furthermore, if the reforms of the EU's and EP's rules outlined above fail to materialise, possibly due to opposition from other Groups or institutions, then the S&D Group should introduce as much as it can by internal procedures.

5. While the right of Parliament to make some kinds of change via its internal rules has sometimes been questioned, we consider that it should not hesitate to proceed and, in the unlikely event of the changes being successfully challenged in the Court of Justice, address the issue via changes to the Members' statute. The latter is a more onerous and time-consuming procedure, which is why the route of changes to the Rules is preferable.

VII. RECOMMENDATIONS

It is to the credit of the S&D Group, and demonstrates an exercise of responsibility by this Group in such an important EU institution, that it made the decision to face the knowledge of what happened by commissioning this external and independent report to find out the failures, deficiencies and weaknesses of organization in the face of external interference. It is a crucial first step of self-criticism and *looking at oneself in the mirror.* It would be good if other Groups followed this courageous decision.

The S&D Group - and no doubt other Groups in the Parliament - need to reorganise and restructure their decision taking systems and the way they are organized. Systems for spotting and reporting questionable behaviour need to be upgraded and written guidelines issued on how to proceed. Priority must be given to investigating allegations quickly when they are made. Staff dealing with sensitive issues of external interest should be rotated on a more regular basis.

One might think that being more rigorous and transparent than other Groups could be a disadvantage. Far from it, these changes would undoubtedly make it possible to show that this Group aspires to have better and higher standards and wants to mitigate the weaknesses and gaps to make the Group more transparent, more resilient and safer in the face of political interference and external undue influences of any kind.

Politics and political groups are today more exposed than ever and must take into account how to incorporate the culture of transparency in their own organization to recover the internal and external trust demanded by society. Transparency is a governance *principle* that is required of anyone who manages property and interests of others, whether private or public. In this sense, governing with transparency means

being able to demonstrate that the decisions adopted within an organization have been carried out in accordance with the internal regulations that it has imposed upon itself, as well as obviously in accordance with the current legislation, and in an overall culture of transparency.

It is important that the recommendations that are made are pursued without delay, including, the initiation of those changes that require negotiations with other institutions.

The Group should therefore.

(1) *immediately pursue, as an urgent priority*, the rule changes outlined above in Section VI.2 that can be done by Parliament internally,
(2) at the same time bring in changes to its own working methods as a Group, including amendments to its own Rules*:*

Internal Group reforms:

(a) Improving the S&D Group rules of procedure

Conflicts of interest

- A requirement for Members to declare conflicts of interest should be added to the rules of the Group.
- Such declarations should be made before Members are elected as Group Co-ordinator on a subject, or as Group candidate for membership of a committee or an interparliamentary delegation, and when they speak in Group meetings on subjects where they have a conflict of interest;
- if at any time thereafter any new conflict of interest arises, the obligation to update the statement made must be established.
- Group staff should be required to declare their meetings with organisations coming under the scope of the Transparency Register and with representatives of third countries.

Sanctions

- Group rules currently lack any provisions enabling the Group to sanction its own members, other than by suspending them or expelling them. It would be advisable to have a range of less drastic measures to penalise Members who are not in conformity with the Group's rules, such as not nominating a member as Group representative on delegations, committees, PES bodies, or as rapporteur.

Self-regulation measures in the event of potentially insufficient EP reforms

- If the reforms of the EU's and EP's rules outlined above in section VI.2 (1) and (2) fail to materialise, possibly due to opposition from other Groups or institutions, then the S&D Group should introduce as much as it can by internal procedures. For example:

    - It could require its Members (as a condition for membership of the Group), to make full disclosures of their and their assistants' meetings with organisations falling under the scope of the Transparency Register and with diplomats and other representatives of third countries, and to undertake to do so also in the "legislative footprint" of their reports whenever they are rapporteur.
    - It could do the same regarding EP Rule 11(4)
    - It could prohibit S&D MEPs from having paid second jobs with organisations covered by the scope of the Transparency Register.
    - It could require S&D MEPs to disclose exact amounts, rather than broad categories of income, in the EP's Declaration of Members' Interests and to declare their assets at the beginning and at the end of their term of office in each legislature.
    - It could encourage its Members to include, in contracts with Local Assistants or Service Providers, an obligation on them to notify the Member of any meetings with lobbyists, diplomats, and of any gifts received, and require the Member to declare this activity wherever such declarations would be required of the Member had it been done by him/her personally.

(b) Organisation of the S&D Group:

The S&D Group (and no doubt other Groups in the Parliament) needs to reorganise and restructure its decision taking systems and the way they are organized. Systems for spotting and reporting questionable behaviour need to be upgraded and written guidelines issued on how to proceed. Priority must be given to investigating allegations quickly when they are made. Members and Staff dealing with sensitive issues of external interest should be rotated on a more regular basis.

In a short term the S&D Group should focus on:

- Realigning the responsibilities between the Bureau and the Secretariat, and between the Bureau and the Group meetings, in accordance with good governance principles;

- Exploring how to optimize the structure of the Secretariat in order to eliminate silos and make it an effective instrument to counter interferences.

- Creating an internal compliance/monitoring function looking at the due respect by Members, the Bureau and the Secretariat staff of all applicable rules and regulations. This could be achieved by maintaining the new *"Transparency Now"*

working group and *staff Task Force*, (or appoint a dedicated Vice-President or other officer, assisted by adequate Group staff), charged with monitoring compliance by Members with their various ethical obligations, drawing their attention to any failure to meet deadlines or to fully comply with the requirements and making enquiries about information that could give rise to concern. If necessary, they shall draw the attention of the Group Bureau to problems that could affect the reputation of the Group, and the Bureau should decide on appropriate action.

- Adopting written guidelines for MEPs, staff and APAs as to how they should notify, in accordance with whistleblowing principles and the EU Directive 2019/1937, instances of questionable behaviour.

- Taking a decision under Article 1 para 2 of the *Code of Conduct* to apply to Members representing the Group, the same rules on gifts that apply to Members representing the Parliament.

- Organising its own information sessions for Members and training sessions for staff on such matters, where such training is not provided by parliament.

- Rotating Members and staff dealing with foreign affairs, security, defence, human rights, AI, crypto currency or trade issues and its representatives with third countries in vulnerable policy areas.

- Making provision for Internal disclosure and internal register of meeting with any third country representative on vulnerable policies areas and participation of at least 2 or 3 people from the group in such meetings.

- Adopting the good practice of regularly placing an item on the agenda of Group meetings to report on progress on these matters.

ANNEXES

1. **The Mandate of the S&D Bureau, 8 March 2023.-**
2. **Experts Short Bios.-**
3. **Extension of the mandate, 4 July 2023.-**

ANNEX 1: MANDATE OF THE S&D BUREAU TO THE EXPERTS

8 March 2023

Mandate of the S&D inquiry and assessment on political interference and recommendations on its prevention

Introduction

The events of December 2022 took the S&D Group by surprise, revealing a major corruption scandal involving individual members of the S&D parliamentary group forming an illicit network.

For this reason, the parliamentary group has taken the initiative of commissioning a group of independent external experts to identify how to strengthen the internal S&D Group rules and culture and improve the Code of Conduct for MEPs, the EP Rules of Procedure and safeguards for preventing political interference and corruption. These experts will assess current practices and review procedures by way of a report including recommendations in line with the highest international standards to prevent political interference in the future. Through this process, the S&D Group also aims to raise awareness of potential inappropriate situations and the perception thereof.

Terms of reference

1. To inquire whether, in spite of the existing accountability processes and safeguards, itwas possible for third parties, and third countries, to interfere inappropriately with internal S&D Group decision-making processes and which safeguards have failed or have been missing that may have prevented an illicit network from being established.

2. To inquire into whether interference happened at the level of current Members, former Members, staff members and/or Accredited Parliamentary Assistants, including an assessment of the contacts and relationships between third parties and/or third countries and Members and staff, as well an analysis of the accountability processes.

3. To assess whether the current rules have been followed and applied in relation to the code of conduct of Members and staff, internal procedures (in both written and unwritten form), habits and practices such as those applicable to appointments for political mandates, recruitment of S&D staff, and early warning systems and due diligence. Furthermore, to identify, on the basis of a risk assessment, any shortcomings in the current framework.

4. To recommend which measures, updated working methods, and rules changes could or should be made to increase transparency and accountability within the S&D Group, to avoid conflicts of interests and to make the Group more resilient to outside interference andpotential illegal activity.

Responsibilities and working methods

The inquiry and the assessment will have two phases. A first phase (March-April 2023) will consist of information gathering and reporting based on a survey and interviews with Members and staff. This phase will be under the responsibility of the external expert Ex. Prof. Jean-Pierre Garitte.

A second phase (May 2023) will consist of the formulation of recommendations, proposals for amendments to rules and conclusions. This phase will be under the responsibility of Ex. Prof. Jean-Pierre Garitte, Richard Corbett CBE and Prof. Dr. Silvina Bacigalupo.

As and where appropriate, the independent group of experts may refer to additional expertise, and cooperate with the PES.

The independent group of experts should carry out their mandate in total freedom of operation and guarantee confidentiality of information. No expert is taking part in this group in representation of any of their affiliations. When it comes to the protection of persons who report breaches of Union law ('whistleblowers'), the S&D Group guarantees an appropriate follow up, bearing in mind the relevant E.U. Directive.

To be able to carry out their tasks, the independent group of experts should receive immediate access to full documentation and information from the S&D Secretariat, MEPs and APAs, all of whom are expected to cooperate with and contribute to the fact-gathering exercise.

The experts can resign from the assignment at any time if they consider that their participation in it does not comply with the stipulated terms.

Status

The legal boundaries of an inquiry by a political Group as an integral part of the European Parliament results in an inquiry, which will not rule on, and has no power to determine, any person's civil or criminal liability. It will not interfere with, and will be without prejudice to, any ongoing legal proceedings. The inquiry will, as appropriate, share information relevant to any ongoing legal investigation with the investigative authorities.

Timeframe

The inquiry will conclude with the presentation to the S&D Bureau of a report by the end of May 2023.

Report

The independent group of experts will present their report, including mandate, observations and recommendations, to the S&D Group Bureau, which has a statutory responsibility for the undertaking, and which will bring the report to the S&D Group.

ANNEX 2. EXPERTS SHORT BIOS

Prof. Jean-Pierre Garitte has been an international governance, risk management and internal audit practitioner, consultant and trainer for 47 years. In a previous position he was for more than 20 years the Director of Internal Audit at J. Van Breda & Co, a financial holding company based in Antwerp, Belgium. Jean-Pierre was until June 2010 a partner with Deloitte Enterprise Risk Services (ERS), where he lead the corporate governance, internal audit and risk management practice for Europe, the Middle East and Africa. He is specialized in the strategic assessment and reengineering of internal audit functions. He has undertaken assessments of internal audit functions on behalf of the Institute of Internal Auditors, the World Bank, the OECD and the European Commission. Jean-Pierre has trained numerous professional internal auditors in Asia and Europe. Jean-Pierre has lead advocacy efforts to promote the value of the internal audit profession towards legislators, regulators and other interest groups at the European level. He was the chairman of the Audit and Oversight Committee of the International Organization for Migration (IOM) in Geneva and was the special adviser to the National Bank of Romania. Jean-Pierre is an external member of the Audit Progress Committee of the European Commission, chairs the Audit Committee for Local Governments in the Flanders, chairs the Audit Committee for the Flemish Government and is a member of the Audit Committee of SMALS, a company that provides IT services to the social security organizations in Belgium. Jean-Pierre has also been the CEO of the Institute of Internal Auditors in Belgium.

He was an Executive Professor in Corporate Governance, Internal and Information Systems Auditing at the Antwerp Management School (AMS). He was a visiting professor at the Erasmus University in Rotterdam and at the South Bank University in London. He has been advising Boards of Directors and Audit Committees in Belgium, Germany, Thailand, Malaysia, Romania, Slovenia and Turkey. He has been training and developing internal audit departments in Belgium, Hungary, Poland, Romania, Turkey, Malaysia, Thailand, Greece, Morocco, Russia and Tunisia, and has been a lecturer at several European, Middle East, Asian, North and Latin-American internal audit conferences. He has been a European Union expert for restructuring projects in Eastern Europe and Central Asia. He has advised parliaments, national audit offices and ministries of finance on new legislations.

He holds a University degree (licentiate) in Commercial and Financial Science and a Master degree in Accountancy. He is a Certified Internal Auditor (CIA), a Certified Accountant (CA), a Certified Information Systems Auditor (CISA), a Certified Fraud Examiner (CFE), a Registered Forensic Auditor (RFA) and holds a Certification in Control Self-Assessment (CCSA).

Being a native Flemish, he is fluent in French, English and German, and also feels comfortable in Spanish.

He is the Past Chairman of the Board of the international Institute of Internal Auditors (IIA).

At the European level he has been for six years the President of the European Confederation of Institutes of Internal Auditing (ECIIA). For three years, he has also been the Chairman of the Asian Confederation of Institutes of Internal Auditing (ACIIA), representing the profession in the Asia-Pacific Region.

Dr Richard Corbett was an MEP 1996-2009 and 2014-2020. During that period, he was for ten years the Coordinator for the S&D Group on constitutional questions. He was the Parliament's co-rapporteur on the Constitutional Treaty and on the Lisbon Treaty. He was several times the rapporteur on rewriting the EP Rules of Procedure. He was Parliament's negotiator with the Council and Commission on reforming "comitology". He was the UK Labour Party's leader in the EP and therefore a member of the Shadow Cabinet in the UK and the Labour Party National Executive Committee. He was Chair of the UK European Movement.

From 2010-14 he was senior advisor to the first long-term President of the European Council, Herman Van Rompuy.
Prior to becoming an MEP, he worked with Altiero Spinelli on Parliament's 1984 Draft Treaty on European Union. He later drafted proposals incorporated in the Maastricht and Amsterdam treaties, not least the first draft of what is now the EU's Ordinary Legislative Procedure (Co-decision procedure) which gives the Parliament an equal say with the Council on EU legislation. He became Deputy Secretary General of the S&D Group.
He has written extensively on European affairs, including several academic textbooks (including the Oxford University Press book "The European Union: How Does it Work?" and the main textbook on the EP, called "The European Parliament", both in multiple editions), many newspaper articles and a blog. He was a visiting professor at the College of Europe in Bruges and was on the board of the Salzburg Centre for European Union Studies.
In 2021, the Queen made him a Commander of the Order of the British Empire in recognition of his European parliamentary services.

Prof. Dr. Silvina BACIGALUPO is Professor of Criminal Law at the *Universidad Autónoma de Madrid* (UAM/ Full Professor, since 2008), Ph. D. in Law (1997) and Law Degree (1992) by the same University, where she has developed almost all her academic career and where she teaches *Criminal Law and Economic Criminal Law*, with a special attention to *white collar crime* and *Corporate Criminal Law*. She has been Visiting Researcher at the *Max-Planck-Institut for Criminal and International Criminal Law* (Germany) (1993, 1994, 1995, 1996), Visiting Scholar at *UC Berkeley, Boalt Hall* (1997,1998) and Visiting Scholar at *Washington Law Center (WLC), American University* (2019). She has lectured in several Universities of Latin America (Argentina, Chile, Uruguay, Brazil, Colombia, Perú) and Europe (Germany, Italy).
Beyond her academic career she has participated in *Eurosocial-European Programme for Projects of Public Policy Promotion for the Prevention of Corruption* and she has been an Expert Advisor for the Administrative Responsibility of Companies Law of Perú (Law N. 30421, 21 April, 2016) and for Criminal Responsibility of Companies Law of Colombia (Law N. 1778, 2 of February 2016).
She has participated in more than thirty nationals and internationals *research projects* concerning white-collar crime, anti-corruption enforcement and compliance (for instance: "*GROTIUS-Projekt: Rechtsvergleichende Übersichten - die Schengen-Zusammenarbeit und Rechtsintegration in der Europäischen Union: Auslieferungsrecht I*", Max-Planck-Institut für ausländisches und internationales Strafrecht/Comisión Europea; or *"Ética empresarial en una economía globalizada"*, Programa de Investigación Fundamental – Plan Nacional de I+D+I (2008-2011), DER 2008- 05867).
She has been a member of the Committee "Compliance Management Systems and Anti-corruption Management Systems" (CTN 307. SC 01), AENOR (*Spanish Standards Association*) (2013). She is a member of the *Advisory Council PNC - National Contact Point for OECD Guidelines for Multinational Enterprises* (Ministry of Economy and Competitiveness / Secretary of State for Trade (since 2014); Member of the *Academic Network for the OECD Guidelines for Multinational Enterprises*, OECD General Secretariat (Paris Headquarters, France) (since 2016); Member of the *Network of experts on Beneficial Ownership Transparency* (NEBOT, 2022).
She is *Senior Fellow* at the *Fundación para la investigación sobre derecho y empresa (2009) (FIDE –www. Fidefuncacion.es), Member of the Academic Advisory Council – Fundación Ortega-Marañon (2021);* Silvina was Special Legal Counsel for White Collar Crimes&Compliance at *Oliva-Ayala* (2008/2010) in compliance, corporate governance and economic criminal law; and *of counsel* for White-Collar Crimes & Compliance at *Hogan Lovells* (2010/2011). Since 2014 she is a freelance consultant for *Criminal Compliance* (in the frame of art. 60 LOSU/FUAM). Since 2011 she cooperates with Transparency International-Spain and since 2019 she became Chair of the Spanish Chapter of TI. Since 1992 she is member of the Spanish Association for Protecting the EU Financial Interests.

She is author of an important number of *books* on economic criminal law and she has published numerous academic articles in national and international journals. Among her main publications: "*La responsabilidad penal de las personas jurídicas"*, Barcelona 1998 (*Criminal Liability of Corporations*); "*Delitos contra la Hacienda Pública"*, Madrid 2000 (*Criminal Tax frauds*); or *"Derecho penal económico"*, Madrid, 2001 and 2. Ed., 2010 (in collaboration with Prof. Dr. Miguel Bajo / *Economic Criminal Law*); among others.
Her investigations topics: White Collar Crimes, Criminal Liability of Corporations and Directors, Criminal Liability of CEO's-Board members; Protection of Financial Interests of the EU; Corporate Culture & Compliance: Corporate Governance, Transparency, Open Government. Corruption.
This last years she has participated in several *Experts Working Groups*: EWG for Corporations with Purpose (Fundación Gabeiras, 2021/2022), EWG Corporations and Democracy (Ehtosfera, 2021-2022), EWG Experts in ESG (LLYC, 2021/2022),

ANNEX 3: EXTENSION OF THE MANDATE, 4 JULY 2023

ANNEX 4-07-2023, to the Mandate of the S&D inquiry and assessment on political interference and recommendations on its prevention dated 8/3/2023.

The Bureau and the experts agree that the experts should continue to work on the finalisation of the part of their report concerning possible organisational changes, cultural improvements and internal procedures of the Group after in-depth discussions with the full Bureau in the coming months.