



EUROPEAN PARLIAMENT

Parliamentary Ethics

A QUESTION OF TRUST

**OFFICE FOR
PROMOTION OF
PARLIAMENTARY
DEMOCRACY**



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Manuscript completed in October 2011

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An OPPD publication
on topical parliamentary affairs

Parliamentary Ethics

A QUESTION OF TRUST

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Preface

The European Union (EU) is founded on the principles of liberty, democracy, respect for human rights, fundamental freedoms and the rule of law. The European Parliament (EP) has always been a staunch defender of these principles. Through its standing committees, inter-parliamentary delegations, plenary resolutions, debates on human rights and involvement in monitoring elections, the Parliament has actively sought to give a high priority to democratisation in all its external activities.

In 2008 the European Parliament set up the Office for Promotion of Parliamentary Democracy (OPPD) to directly support new and emerging democracies (NED) beyond the borders of the European Union. The OPPD assists in the establishment and reform of parliaments and aims at strengthening their capacity to implement the chief functions of lawmaking, oversight and representation.

Members and civil servants of NED parliaments can benefit from tailored training and counselling provided by the OPPD as well as networking with members and relevant services of the European Parliament.

The OPPD seeks to establish a continuing dialogue and partnership with NED parliaments worldwide and to support their integration as fully fledged members of the democratic community. It facilitates sharing of experiences and best practices of parliamentary methods, and promotes research and study of these practices.

Democracy is built on trust, that is to say the trust which voters place in fellow citizens whom they elect to represent their interests and concerns in the various bodies which make up a democracy. That trust must be earned every day by politicians as they perform their legislative and control roles. Where trust is found to be lacking, the inherent divide between voters and their politicians can become a dangerous liability. As voters in Western countries put higher demands on the responsiveness and accountability of the public sector, the conduct of politicians has come under increasing public scrutiny. In response to calls to raise the ethical standards of politicians, parliamentary codes of conduct have been established in most Western countries. While no panacea, such codes are by now widely accepted as important ingredients of a healthy democratic culture.

This brochure is part of a new series of publications on issues in parliamentary practice from the OPPD. It builds on a previous study, entitled 'Parliamentary Codes of Conduct in Europe', published in 2001 by the European Centre for Parliamentary Research and Documentation (ECPRD). The ECPRD has also contributed to the material compiled in Annex 1. Its objective is to provide a general introduction to the theory and practice of parliamentary ethics and the role of codes of conduct, by offering an overview of the main issues which such codes seek to address. Recent developments at both the national and European levels will be reviewed.

Introduction

In recent decades, elected and appointed officials in Europe and across the world have come under increasing pressure to demonstrate and strengthen their ethical credentials.

This is largely the result of a number of prominent scandals which have undermined public trust in political institutions. For instance, in the late 1990s the United Kingdom was rocked by the ‘cash for questions’ affair, when Members of Parliament were accused of accepting bribes. A similar revelation was made in relation to the House of Lords in 2009. In 2011 the European Parliament itself was confronted by an undercover investigation in the Sunday Times, which showed that some of its Members had been prepared to alter legislation in exchange for payments from journalists, posing as lobbyists. This in turn has persuaded the EP to review its existing rules and to look for a strengthening of its internal code of conduct for behaviour in the future, including stronger internal penalties. As President Buzek stated on 23 March 2011 at the opening of the EP plenary session: “We are determined to pursue a zero tolerance policy”.

But the increased scrutiny can also be attributed to other factors, such as the general trend towards greater transparency and accountability in the public sector. Events which used to take place in the privacy of homes, hotels and offices, now get exposed on the front pages of newspapers and on the World Wide Web. In a society

dominated by 24-hour news channels and no-holds-barred internet sites, politicians and civil servants can no longer shield themselves from the prying eyes and probing questions of the media and the public. They must account for every euro they spend and for every decision they take. Not surprisingly, and quite rightly, voters expect their elected and appointed officials to obey the law just like everyone else, and they want them to lead by example when it comes to professional ethics and integrity. Elected representatives are entrusted by the public to exercise power on their behalf, a trust that cannot and must not be abused.

Politicians’ response to accusations of professional impropriety has not always been adequate. Allegations of wrongdoing are sometimes swept under the carpet, or dismissed as the malicious work of troublemakers intent on destabilising the democratic process. The result has been a deepening schism between voters and their elected representatives. In March 2011 a British newspaper, the Guardian, conducted a survey of 5000 voters from five European countries (France, Germany, Poland, Spain and the UK) and asked the following question: “To what extent do you trust all national politicians, whether in government or opposition, to act with honesty and integrity?” Only 9% of respondents answered “a great deal” or “a fair amount”. An overwhelming 89% said “not very much” or “not at all”.¹ The responses were similar in all five countries.

¹ Guardian/ICM Europe poll, 14 March 2011
(<http://www.guardian.co.uk/news/datablog/2011/mar/14/europe-poll-icm?intcmp=239#data>)

Over the last decade or so parliaments have sought to address voters' concerns head on, realising that to ignore them would only serve to further undermine public trust in the state, in elected institutions, and in politicians themselves. The response generally consists of two parts. First, the individuals concerned are called to account within the existing rules. They are asked to explain their actions before their party leader, a specialised committee, or the parliamentary authorities. If they are found guilty of misconduct, they may be asked or forced to resign (if they have not already) and/or brought to justice. Second, the parliament seeks to address any underlying structural issues to prevent recurrence in the future. For instance, the law may be changed, and its rules and procedures and/or standing orders may be reviewed.

Another way in which parliaments have responded to corruption and influence-peddling scandals has been to adopt 'codes of ethics' or 'codes of conduct'.² Ethics codes are general statements of principle which parliamentarians are honour-bound to adhere to, but without specific rules or enforcement mechanisms. Codes of conduct on the other hand seek to impose binding, enforceable rules for the grey area between what is clearly legal and acceptable and what clearly is not. They seek to achieve compliance with a set of practical injunctions, prescriptions and prohibitions. Once politicians, officials and their interlocutors are fully aware of the rules of the game, the punishment for

breaking them, and the fact that their actions are being monitored, so the reasoning goes, they will be more inclined to act in a honourable manner. Of course, most politicians do not need codes of conduct to make them behave ethically - but as is often the case, the majority pay the price for the behaviour of a minority. It is often in the grey area of what is acceptable behaviour that problems of interpretation may arise even if a comprehensive text specifying the rules on the banning of bribery, conflicts of interest, lack of financial transparency, etc. exist. Many parliaments have created an Advisory Committee on the Conduct of Members (or similar body) whose role it is to give guidance to Members on the interpretation and implementation of the Code of Conduct, and which may seek advice from outside experts.

At the same time, there have been efforts to increase the transparency of legislative lobbying, which is often seen as a source of ethics problems. The addition of a so-called "legislative footprint" to EP legislative reports, by which the Member responsible for drafting a report informs their colleagues and the public of any lobbyists they have met within the course of their work on the draft report, offers greater transparency, especially in combination with a new (de facto) compulsory register of lobbyists. This should help distinguish between those who try to influence decisions through illicit means and those who can be considered as legitimate advocacy and lobby groups. The reason for

² This is a rapidly evolving trend and a number of countries report that they are currently considering the introduction of codes of conduct (amongst others Australia (Senate), Chile, Ecuador, India, Poland and the Russian Federation).

creating these new instruments is not to make life difficult either for parliamentarians or for lobbyists, but to reassure Europe's public and to involve them more in the law-making process. They should be able to see, in the words of EP Vice-President Diana Wallis (who was instrumental in developing this new approach),³ "who we are talking to and what we are talking to them about".

At EU level, the important steps taken since 1999 to increase transparency and accountability in the EU Institutions have led to tangible improvements. Standards of good behaviour have been codified, questionable practices have been banned, a new fraud-busting agency has been set up, employment conditions for parliamentary assistants have been improved, disclosure requirements on MEPs have been introduced, and rules for lobbyists have been tightened.

But new rules and committees do not constitute a guaranteed miracle cure for all that is perceived to be wrong with politics. The existence of a code of conduct can help, but it is not sufficient. Codes

of conduct are at their most effective when they build on a political culture in which integrity, transparency and accountability are highly valued. No amount of laws or codes of conduct can stop an individual intent on cheating the system or bending the rules. Individuals (politicians, officials, lobbyists) have a responsibility to act with honesty and integrity at all times, and it is up to voters, political parties and the media to hold them to account.

This brochure assesses how codes of conduct are used in the theory and in practice to complement legal provisions to protect and strengthen parliamentary ethics at national and EU levels. Part I looks at the theory. Part II examines the national level. Part III deals with the European Parliament. This is followed by a conclusion, two Annexes with a detailed country-by-country overview and a bibliography.

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³ Council of Europe, 6th Summer University, speech on 30 June 2011

PART I: PARLIAMENTARY ETHICS AND THE RISE OF CODES OF CONDUCT

1. Introduction

Well-publicised cases of mismanagement and corruption and allegations of back-room dealing by political elites have fed the public appetite for greater honesty and integrity in public life. The call for more transparency has become a fixed item in the media and on the agendas of governments, parliaments and NGOs. While transparency is no panacea there is growing agreement in political circles and beyond that an open administration does promote efficiency, accountability and professionalism on the part of public institutions.

Voters have high expectations of their elected representatives. This is the case when issues of great national importance are being discussed (for instance, whether or not to go to war). It also applies to more mundane issues, such as the way parliamentarians use public money and the privileges of office. Parliamentarians are in the unique position of being the only members of society who do not just have to obey the law but who also have the power to change it, including the way it applies to them and their interests. They usually determine their own salaries and terms of conditions, and they set the overall budget of their own institution. Such a degree of power and influence means that politicians are open - perhaps more than other professional groups - to a blurring of

the distinction between their public and private personas. Is what is good for me also good for the country, and vice-versa? Politicians often operate in an ethical grey zone. Codes of conduct are used to codify and enforce ethical standards and rules of conduct in this grey zone, with a view to maintaining and/or restoring public trust in elected and appointed officials. They complement already existing legal provisions and contain both 'positive' and 'negative' obligations.

Examples of positive obligations:

- the obligation to avoid conflicts of interest, for instance by abstaining from certain transactions or positions;
- the obligation to declare financial and non-financial interests prior to taking office and any time this may be required;
- the promotion of and adherence to transparent rules regarding the financing of political parties and election campaigns;
- the promulgation of clear and transparent rules on lobbying.

Examples of negative obligations:

- a ban or limit on accepting gifts and other favours, either on one's behalf or that of another person or a political group;
- a ban on the disclosure of confidential information or information that has been shared with

- MPs within the context of their duties;
- a limitation or ban on dual mandates in the public and private sectors that may lead to conflicts of interest.

2. Scope, content and objective

The scope and content of codes of conduct vary greatly. There is no agreed definition, other than a recognition that offences already punishable by law - such as corruption and bribery - are not covered. Experience suggests that codes of conduct often start out with a narrow scope, which gradually evolves.⁴

Codes of conduct can therefore best be described in terms of the objective which they generally share: to outline the overall principles of proper conduct in the institution.⁵ These principles set out what is generally agreed to be desirable behaviour, and what is not. Codes of conduct often serve both an internal and an external purpose: within the institution, codes of conduct guide behaviour on the part of organisations and those who inhabit them; outside the institution they enable society to hold politicians and officials to account on the basis of agreed standards, thereby enhancing public trust.⁶

Differences in the scope and content of codes of conduct can at least in part be attributed to diverging stages of parliamentary development. As pointed out by Anthony Staddon, who distinguishes between 'emerging', 'developing' and 'mature' democracies, in an "emerging legislature (...) codes of conduct for members [i.e. parliamentarians] are in a nascent phase or non-existent". In a "developing legislature (...) a code of conduct for members may exist but is not generally enforced along with such allied matters as declarations of assets".⁷ By contrast, in a 'mature legislature' codes of conduct can be expected to be comprehensive and contain the necessary provisions for their effective implementation. Differing levels of maturity of legislatures also help explain why codes of conduct are adopted in the first place: "While emerging and developing legislatures may need to examine themselves more often than mature legislatures, the driving force for this is more likely to be external than internal";⁸ i.e. encouragement or even insistence on the part of the international donor community assisting with local parliamentary strengthening processes.

Parliamentarians are both the authors and the main 'targets' of codes of conduct. To be effective and credible, however, any parliamentary ethics regime must also extend to two additional groups

4 Australian Parliamentary Library Research, *A Code of Conduct for Parliamentarians?*, Research Paper 2 1998-1999., p.8.

5 National Democratic Institute for International Affairs (NDI), *Legislative Ethics: A Comparative Analysis*, Legislative Research Series, Paper 4, 1999, p.5 - quoted in Rick Stapenhurst and Riccardo Pelizzo, *Legislative Ethics and Codes of Conduct*, The International Bank for Reconstruction and Development/The World Bank, 2004, p.6.

6 Australian Parliamentary Library Research, *A Code of Conduct for Parliamentarians?*, Research Paper 2 1998-99, pp 13-14.

7 Ibid., p.23.

8 Ibid., p.27.

whose activities have a direct impact on the functioning of the legislative process: parliamentary officials and lobbyists. Officials matter because they play an important, behind the scenes role in advising politicians and guiding their deliberations. They exert a great deal of influence over the decision-making process but cannot be held accountable in the same way as their political masters. Lobbyists matter because they provide politicians with (often useful) information and distinctive points of view which also help shape public policy - but always on behalf of a specific sectoral interest, and usually without any form of public scrutiny.

In a democracy it is perfectly legitimate for private individuals and groups to pursue their specific interests through organised lobbies. But when left unregulated it can lead to ethically objectionable practices, such as the offer of inducements. It can also undermine the level playing field designed to ensure that all points of view are given a fair hearing. Where citizens do not enjoy equal access to the decision-making process, democratic principles and good governance are at stake. This can be counteracted effectively through the introduction of targeted provisions into a parliamentary ethics regime. For instance, a provision requiring lobbyists to identify themselves and their clients in their dealings with parliamentarians and officials may already be sufficient to discourage improper activity aimed at unduly influencing the decision-making process.

This brochure examines the ethics rules which apply to EU national parliaments and the European Parliament, generally 'mature legislatures' in which high levels of ambition and upward revisions of benchmarks can be expected (although as we will see, being classified as a 'mature' parliament does not imply an absence of ethics violations). Such codes of conduct may include the following concrete objectives:⁹

- stating the principles for which the organisation stands;
- promoting ethical and discouraging/deterring unethical behaviour;
- providing a benchmark for evaluating and, in certain situations, sanctioning unethical behaviour;
- assisting decision-making in response to delicate situations involving, for instance, competing interests and values;
- establishing rights and responsibilities;
- providing a defence against groundless accusations.

3. Impact and effectiveness

Codes of conduct are often the answer to a scandal and/or public calls for greater transparency and accountability. But what is their practical impact, and how effective are they? To what extent can they help parliamentarians reconnect with voters? Probably the easiest way to look at them is as a form of benchmarking. Benchmarks provide norms against

⁹ There is a sizeable amount of literature on the character and objectives of codes of conduct - see for instance Stapenhurst and Pelizzo, pp 6-8, and NDI, pp 1-5

which the actual performance of parliaments can be assessed. In this case, the norm would be public confidence in the integrity of parliamentarians and the parliamentary institutions.¹⁰ The corresponding benchmark would be the introduction and upholding of a code of conduct for parliamentarians and parliamentary staff.¹¹

Codes of conduct do not in themselves guarantee ethical behaviour.¹² Their effectiveness depends on a range of factors which can vary greatly from country to country. These include:¹³

- a functioning civil society;
- the existence of a cultural, political and administrative context conducive to transparency and integrity on the part of politicians and civil servants;
- free media.

Codes of conduct are more likely to have an impact if they include the following features:¹⁴

- formalised in written form;
- geared towards the needs of the target group;
- attuned to the surrounding political culture;
- aimed at raising the standards already in place within the organisation;
- exercising independent administrative and oversight roles;
- compatible with other national integrity regimes;

- characterised by public, simple and understandable processes;
- cost-effective in its practical application.

Even if it fulfils the conditions above, a code of conduct need not always make the expected difference and may even appear to be counterproductive, at least in the short term. For instance, by introducing increased regulation and monitoring a code of conduct might reveal the existence of (previously hidden) misconduct, which in turn could further tarnish rather than boost the public image of the institution concerned.¹⁵

Most parliamentary codes of conduct are created by parliamentarians themselves and are administered by parliamentary committees set up specifically for this purpose. They are a form of self-regulation, even if they are often (if not always) the result of public pressure. Many professional associations (medical doctors, lawyers, notaries) rely on self-regulation to ensure their members adhere to the highest standards of professional behaviour. It is perceived as less heavy-handed and more cost-effective than regulation imposed 'from above'. Having said that, self-regulation can only be effective if the peer group is prepared to accept and enforce the rules that they themselves created. This means that parliamentarians, like other professional groups, may be tempted to draw up

10 See Anthony Staddon, *Benchmarking for Democratic Parliaments*, European Parliament - OPPD (2011), p.8.

11 Ibid., p.41.

12 European Parliament, *The Code of Conduct for Commissioners - improving effectiveness and efficiency*, 2009, p.22.

13 European Commission (EC) Study, European Institute of Public Administration, *Regulating Conflict of Interest for Holders of Public Office in the European Union*, October 2007, p.130. See also Stapenhurst and Pelizzo, pp 13-17.

14 UNDP, *Codes of Conduct for Public Servants in Eastern and Central European Countries: Comparative Perspectives*, Kaunas University of Technology, Lithuania, 2008, p.14.

15 EC Study, p.121.

rules that fall short of what the public expects of them. Similarly, they may be reluctant to administer the full force of their code to one of their peers. Where such instincts combine to render codes of conduct meaningless and/or toothless, it is probable that public pressure will at some point force self-regulation to be replaced by more stringent, legally imposed and binding regimes.

A case in point is the 2009 MP expenses scandal in the UK, which the parliamentary code of conduct failed to prevent. Once uncovered, the misuse of taxpayers' money by MPs led to the adoption of the more stringent 2009 Parliamentary Standards Act, which instituted an independent Parliamentary Standards Authority (IPA) empowered to investigate breaches of the House of Commons' code of conduct - the provisions of which had already been tightened in response to the scandal. This recent case involving the British parliament shows that self-administered codes of conduct are not always a sufficient means to maintain and restore public trust. It may be necessary to have a code of conduct "administered independently (...) of the political context in which it operates", through mechanisms that are either internal (independent parliamentary commissioner) or external (external supervisory body instituted by special legislation) to parliament.¹⁶ In devising and implementing parliamentary codes of conduct a balance has to be struck between parliamentary 'ownership' of the code on the one hand and the credible enforcement of the code on the other, including through independent, external checks and balances.

Such considerations should, in themselves, not discourage the introduction of codes of conduct. Rather, they suggest that codes of conduct will live up to expectations if they are judiciously framed and introduced in a spirit of realism as to their immediate practical effect. Under these conditions, codes of conduct may well end up strengthening the institution concerned. This means that existing codes of conduct should be reviewed regularly and updated where necessary. Maintaining codes of conduct that do not satisfy current ethics requirements does not promote the public standing of the institution concerned and therefore represents a liability that can turn against the institution.

Finally, it should be noted that not all issues relating to parliamentary ethics can be addressed effectively or at all through a code of conduct. One such issue is the level of the parliamentary salary, or allowance. In many countries parliamentarians are paid significantly less than people with similar skills and responsibilities in both the public and private sectors. With the rise of populist politics of both the left and right it has become more difficult for politicians to grant themselves a pay rise without incurring the wrath of voters, especially - but not exclusively - in economically difficult circumstances. As a result, many feel the need or temptation to supplement their parliamentary salary with outside income. If a society wants its most talented members to stand for elected office, and if it wants its politicians to be truly independent of outside interests so they can focus fully on their core task, it must also give them the financial means

¹⁶ Australian Parliamentary Library Research, pp. 15-17, which offers an instructive discussion of various models for implementing parliamentary codes of conduct.



to do so, or risk ending up with mediocre parliamentarians more interested in their own future than that of their country.

Another such issue is the way the political system is organised. Politicians who depend on their party leaders for a place on the electoral list face different incentives and pressures than politicians who are directly elected in a constituency. In countries where political parties are financed by the state, there is a different relationship between politics and the private sector than in one where parties are financed solely from private and corporate dona-

tions. There are many other issues where ethics are at stake, but where simple rules of conduct cannot provide an answer. This publication cannot address them all. But what we can say is that as a general rule, greater transparency increases accountability. If and when it is not possible (or even desirable) to ban or proscribe certain practices, then it is almost always healthier and more productive to ensure that they are carried out under a spotlight, to allow the public to make up their own mind as to whether a certain type of activity is acceptable or not. In the end, the relationship between voters and parliamentarians boils down to a question of trust.

PART II: PARLIAMENTARY ETHICS IN THE EU MEMBER STATES

1. Introduction

Europe has seen a growing interest in parliamentary ethics since the 1990s. Greater media scrutiny, increased public access to official information and a number of prominent scandals have all forced politicians to clean up their act - or incur the wrath of their voters.¹⁷ Citizens expect the public sector, including holders of public office, to operate efficiently and transparently and to adhere to the highest standards of integrity.¹⁸

Such a regime can be shaped through the adoption of a parliamentary code of conduct which clearly lays down the rights and obligations of a parliamentarian. Alternatively, established constitutional provisions and practices as well as provisions of an administrative, civil and criminal nature can combine to create a parliamentary ethics regime, as is for instance the case in Austria, Denmark and Sweden (see Annex 1).

Most provisions set out by codes of conduct have at their core the values and principles common to Western democracies, such as freedom of speech or transparency. At the same time, the ways in which these values and principles are interpreted and put

into practice tend to be influenced by national political and administrative cultures - sometimes deeply so - and may thus vary to a greater or lesser extent. For example, different countries hold different views of notions such as 'transparency' or 'conflict of interest'. These diverging views result in more or less ambitious regimes.

This chapter aims to provide a brief overview of the rules governing parliamentary ethics at the national level, as applied to parliamentarians, parliamentary officials and lobbyists. Generally speaking, the various legal and code of conduct provisions can be grouped under the following headings: ineligibilities and incompatibilities; immunities; transparency; and fighting fraud and corruption.

2. Members of Parliament (MPs)

2.1 Ineligibility and incompatibilities

When running for election, most political candidates are subjected to intense public scrutiny. Any alleged personal or professional wrongdoing is quickly exposed. There is a strong incentive on the part of politicians to be seen to be acting in a

¹⁷ The media do not shy away from putting the integrity of parliamentarians to the test. Thus, more than 100 hundred Romanian MPs responded to an SMS invitation from a fake businessman from the United Arab Emirates offering them 'a deal': the MPs' greed was exposed by the Romanian daily newspaper 'Romania Libera', which had sent SMS messages to 460 MPs and senators. See <http://www.euractiv.com/en/print/enlargement/journalists-spoof-exposes-romanian-mps-greed-news-501990>.

¹⁸ EC Study, p.42.

proper manner, even without the existence of specific rules. But once elected, MPs must ensure that their personal and professional affairs are organised in a manner compatible with the law and parliamentary rules. Based on the available information, the criteria for ineligibility and incompatibilities appear to be very similar in most countries.

Ineligibility refers to circumstances which prevent a person from standing for election, such as having a criminal record or - the complete opposite - being employed in the police or military. Not all criminal convictions lead to ineligibility. Countries often distinguish between factors such as severity of the crime, the time that has elapsed since the crime was committed, and the nature of the punishment. It is noteworthy that many countries, especially but not exclusively in Central and Eastern Europe, bar members of the armed forces, the police and (former) security and intelligence services from standing for office.

Incompatibilities refers to an unacceptable accumulation of official mandates. Thus, in 20 out of the 27 EU member states a parliamentary seat cannot be combined with a government post. A similar restriction applies to judicial posts. Another incompatibility concerns dual membership of both parliamentary chambers (in a bicameral system); dual mandates at the federal and regional level (in a federal state) or at the national and European level. Private economic and financial interests of MPs can

also affect their independence and impartiality and are routinely subjected to close scrutiny.¹⁹

In most countries, ineligibility and incompatibilities are defined either in the national constitution or under electoral law and are the responsibility of various jurisdictions. Sometimes national parliaments themselves are responsible for enforcing these rules (Greece, United Kingdom). Sometimes the role falls to outside bodies (France: Conseil d'Etat). Most cases are clear-cut, but where the rules are unclear, those responsible for interpreting and implementing them must make a judgment based on the specific circumstances. This can give rise to political conflict.

2.2. Independence

Parliamentarians are voted into office on the basis of an individual mandate. Even though they usually belong to a political party and often feel a degree of loyalty towards the individuals and groups who elected them, they cannot be compelled to behave or vote in a certain way. Parliamentarians cannot enter into legally binding arrangements that would limit their freedom of speech and action.

2.3 Transparency

Through a commitment to transparency, MPs can contribute significantly to the public standing of their institution. Based on information provided by national parliaments, measures adopted by various countries to promote transparency include:

¹⁹ European Parliament, *Resolution on combating corruption in Europe*, 1996. It may be unrealistic to require parliamentarians, under all circumstances, to abstain from private, profit-making activities. The above EP Resolution states: 'While it may make sense in a developed country to preclude a public official from engaging in private sector activity, in some developing countries this is wholly unrealistic. Private sector activity of some sort can be a necessity where public sector remuneration is very low.'

1) external transparency, i.e. a duty on MPs to help facilitate public access to information in the broadest sense; 2) internal transparency, such as a duty on MPs to declare any financial and non-financial outside interests. While this principle is generally accepted, its practice in the EU member states varies.

Most national parliaments require their members to declare all outside financial interests. Declaring non-financial outside interests is mandatory in some member states (France, United Kingdom and most new member states), optional in others (Belgium, Denmark, Finland, the Netherlands) and absent in Luxembourg (which does, however, require its MPs to declare other professional activities, paid or unpaid, and any financial support). In some states all additional income and activities, as well as property and shares in companies, must be declared (United Kingdom). Other states require only employment-related information to be disclosed (e.g. directorships, administrative positions, contracts with commercial companies). In France, MPs must submit a 'declaration of activity' within two months following their election.

Usually declarations of financial interest cover only the parliamentarians themselves. In some countries, such as Greece, MPs must declare property belonging to family members (spouse, children). This obligation can extend to the declaration of other benefits and gifts for family members.

In Germany, Ireland and the United Kingdom legislators are required to disclose the existence of a potential conflict of interests. Thus, according to

rules in the British House of Commons, "any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, should be declared in debate or other proceedings". Nevertheless, British, Irish and German legislators are still allowed to vote on the matter in which they have declared an interest. By contrast, Sweden's parliament adopted a prohibition of conflict of interests in 1999, stipulating that "a member may not participate in the deliberations of the Chamber or be present at a meeting of a committee on a matter which concerns him (or her) personally or a close relative".

The form, timing and registration of declarations vary among member states. In some parliaments, declarations must be made along strict, formal lines, while in others a simple statement may suffice. Similarly, the frequency with which declarations must be made differs: in some cases only at the beginning and end of a term in office, in other cases each time a (significant) change occurs or on the occasion of every parliamentary debate where there is a potential conflict of interest. MPs' declarations are entered into a register, which is kept by a parliamentary committee (United Kingdom), an external body (Belgium) or by some other means.

Peer and public access to the registers has proved to be a delicate issue. The degree of access granted to personal data contained in MPs' declarations varies from country to country. Hungary and Poland for instance restrict access with a view to protecting, up to certain point, the privacy of their parliamentarians. A substantial number of countries (including Ireland, Italy, the Netherlands, Spain, Sweden and the United Kingdom) favour more liberal access,

on the grounds that the public interest cannot be subordinated to the protection of the privacy of elected officials. Others (Germany) have opted for a mixed solution.

The quest for more transparency is an on-going process, in which countries regularly seek to adapt their rules and practices to new circumstances and demands.

2.4 Fighting fraud and corruption

Corruption is not considered to be a widespread phenomenon in 'mature' legislatures. But it does exist. Theft, bribery, abuse of power, influence peddling and nepotism are examples of corrupt practices that affect all parts of society, including the public sector. Many cases of corruption can be dealt with effectively through the criminal justice system. But not all forms of corruption are clear-cut. For instance, it may be perfectly legal for a parliamentarian to enjoy a weekend of hospitality in the sun, paid for by a private company which has a public policy interest to defend. But most voters would consider such a relationship to be improper, unless it is declared and/or the parliamentarian is required to pay back the cost of the hospitality.

MPs value their independence and are understandably weary of outside interference in their affairs. In a democracy the buck must stop with elected representatives. But this also means that parliaments have a special responsibility to deal with any concerns voters may have. They must promote accountable and ethical behaviour and deter and

combat corruption among their members. This can be achieved through preventive measures (such as increased transparency and binding codes of conduct), combined with enhanced monitoring and enforcement (by internal and external bodies). Parliaments have also tackled corruption by adapting existing legal frameworks (including through ratification of international treaties and conventions), creating dedicated anti-corruption bodies (such as ethics and/or disciplinary committees), and imposing (tougher) internal and external sanctions. In order to be effective, and to ensure that there are no grey areas, parliaments must work in close consultation with the executive and the judiciary.

2.5 Sanctions

Not all codes of conduct are backed up by sanctions. This is considered by many to be a key weakness. If MPs can break the rules with impunity, the public will no longer find the system credible.²⁰ But sanctions in themselves are not sufficient to engender public trust - or even necessary, in the view of some national parliaments.

Codes of conduct achieve most of their impact simply by existing. By codifying norms that have developed through public debate and political confrontation, they are an expression of the established will of a majority of voters and politicians. Research shows that adherence to codes of conduct is closely related to having an environment that nurtures trust.²¹ Declarations of interests by MPs offer a case in point. Some EU member states (Spain) have refrained from introducing sanctions

²⁰ NDI, p.112; EC Study, p.9

²¹ EC Study, pp 129-130.

against non-disclosure of personal interests. Other states (Germany, Italy) have opted for moral and political sanctions. Others (France, Italy, Portugal) have gone further, by establishing more severe, legal sanctions.

To the extent that sanctions do exist, they differ from country to country. Sometimes the same sanctions apply to persons who bribe and persons who are bribed. In other cases the law distinguishes between 'active' and 'passive' corruption. In some countries, only public sector corruption will entail penalties. Also, in line with their different roles and responsibilities, parliamentarians and parliamentary staff may be subject to different penalties. Sentences range from fines to dismissal, ineligibility and imprisonment.

The diversity of national approaches is also apparent in the structures entrusted with the supervision of parliamentary ethics rules and the application of sanctions in case of their infringement. National models vary according to the local context and traditions and are influenced by, among other things, the levels of corruption in public life.

Scrutiny and enforcement can be exercised by any number of means, but can be divided roughly into the following categories:

- self-regulation, through either political groups or - at the level of the assembly itself - ethics committees (Germany, Greece, United Kingdom) or the Speaker/presiding officer of the legislature;
- autonomous bodies, such as the Ombudsman (Scandinavian countries);
- legal bodies, competent to handle serious cases

of fraud and corruption (the courts, the police, special investigative units for 'white collar' crime).

In case of alleged misconduct by an MP, the first step generally consists of filing a complaint in writing with the relevant supervisory body. In the United Kingdom, complaints can be filed to the Parliamentary Commissioner for Standards, either by MPs themselves or by any concerned citizen. In the Czech Republic, only MPs may file a complaint (any ten members or 5% of the chamber). In Germany, the presiding officer of the legislature is not only competent to receive complaints, but will handle them up to their conclusion - including the imposition of sanctions. In Poland, the presiding officer decides whether to forward a complaint to the Rules and Deputies' Affairs Committee.

Under the safeguards which many legislatures have created, the supervisory body first decides on the complaint's admissibility. If it clears that hurdle, the body moves on to the merits of the case. The final determination as to whether a Member is guilty of misconduct is a collective decision by the body concerned. The body's conclusions and recommendations, including any proposed sanctions, are then passed on to the full chamber for a final decision. Germany forgoes the committee approach by only having a chamber vote.

The possible imposition of sanctions constitutes the final step of the complaint process. The types of sanctions available to MPs differ considerably between parliaments. Irish MPs face three options: suspension, fines or public censure. Polish legislators may reproach, admonish or reprimand

a fellow MP. In France, exclusion from future candidacy for one year is the only sanction available. In Germany, the president of the Bundestag makes any violation public, allowing voters to decide the member's political fate at the ballot box.

3. Officials

Integrity and impartiality are generally held to be core values of any civil service. This applies even more so perhaps to parliamentary officials who, by virtue of their privileged place of work, are particularly close to the defence of the public interest. They can be expected to adhere to the same high standards as their political masters, taking into account their specific roles and responsibilities.

Therefore, in the case of parliamentary officials, 'independence' means that they should maintain an impartial approach towards members of the public and MPs alike. In some member states (Austria, Cyprus, Estonia), 'independence' has been translated into a requirement for political neutrality as a criterion for recruitment. Contrary to MPs, they cannot allow political preferences and loyalties to influence the way in which they carry out their duties. In assisting MPs, they must be seen to perform and treat all incoming tasks equally. The only exception concerns the secretariats of political parties where, contrary to the general norm, partisan loyalty is expected!

The integrity of parliamentary officials has been an issue in recent years, with a number of scandals giving rise to institutional and reputational

questions. In many member states parliamentary officials have been subjected to a tightening of existing rules and/or the introduction of additional measures. Provisions in penal codes and other pieces of legislation have been reviewed so as to increase their relevance to the behaviour of parliamentary officials. Codes of conduct geared to the specific role of parliamentary officials, especially in their dealings with the private sector, have been adopted in Finland, Ireland, Malta, and Portugal. Other recent initiatives include:

- strengthening service values among officials, balancing a more flexible, transparent and citizen-oriented approach with traditional values of loyalty and confidentiality;
- further integrating ethical principles into daily management as part of better human resources policies;
- developing in-house procedures for reporting cases of misconduct without fear of reprisals against 'whistleblowers';
- assessment and control of corruption risks, development of more effective ethics monitoring;
- encouraging good practices, training officials in new management rules.

Observance by parliamentary staff of the internal rules and, if it exists, a code of conduct is generally enforced by:

- the administrative hierarchy within the parliament's secretariat (e.g. president/secretary-general in Austria, Cyprus, the Czech Republic; ethics control committee in Belgium, Estonia, Portugal and Spain);
- an autonomous body, such as the Ombudsman

- or special committees in Ireland;
- competent investigative and judicial authorities, especially in cases involving serious fraud and corruption (Germany, Greece, the Netherlands).

In some countries, two or even three of the above approaches coexist, with a distinction being made between supervision on the one hand and sanctioning on the other, as well as between the type and severity of cases at hand.

4. Lobbyists

As noted earlier, lobbying activities have increased substantially during the past few decades. While most people acknowledge the useful role lobbyists can and often do play in the democratic process, there have also been incidents involving things such as bribery, illegal or questionable party funding and lack of transparency.

The resulting call for better regulation of lobbying activity, in particular by making it more transparent, has not always led to action by legislators - partly, one imagines, as a result of lobbying by those who stand to be affected! In Ireland, the United Kingdom and the Scandinavian countries, where lobbying has always been accepted as an integral part of the legislative and political process, there has been a reluctance to tighten the existing rules. Other, more critical countries, which tend to associate lobbying with favouritism, opaque decision-making and even corruption, have shown themselves more open to improving lobbying rules. Thus Germany, Hungary, Lithuania and Poland have introduced

regulation, with France, the United Kingdom and others working on legislation to regulate lobbying activities further. In doing so, EU member states seem to be following the example of the EU institutions (see Annex 1 of this brochure). Examples of regulatory measures taken by EU member states include registration of lobbyists and lobbying organisations and disclosure of information about their clients and activities.

There are no specific bodies to sanction misconduct by lobbyists - other than the trade bodies set up by lobbyists themselves, and the court of public opinion. In cases of misconduct (where it is defined), lobbyists will simply be removed from the register (where one exists) and will thus be denied access to parliament. In case of alleged criminal conduct (such as corruption), the criminal justice system is of course competent to act.

For further comments see also pages 28 and 29 on the recent decisions taken by the European Parliament with regard to lobbyists.

PART III: PARLIAMENTARY ETHICS AT EU LEVEL

1. Introduction

In 1999 the European Commission led by Jacques Santer was forced to resign following allegations of mismanagement and corruption. An independent committee of inquiry noted the complete absence of a culture of responsibility. The same year, Members of the European Parliament (MEPs) faced accusations of expenses abuses. Since then, the search for better accountability and greater legitimacy of the EU Institutions has become a permanent quest. Although much remains to be done, important steps have been taken to remedy the problems that have been identified.

In this chapter, we will outline how the promotion of high standards of conduct in public life is being implemented by the European Parliament. We will review the rules of conduct applicable to Members, their assistants and officials of the European Parliament, as well as lobbyists. Finally we will look at codes of conduct as one of the instruments for democracy promotion in the EU's external relations.

2. Members of the European Parliament (MEPs)

The European Parliament is no stranger to controversy. In the mid-1990s MEPs began to face questions from the media and the public about the

Parliament's system of salary and expenses. Until the 2009 European elections, Members of the European Parliament received the same parliamentary salary as members of their national parliaments (which meant that some MEPs were paid five times as much as some of their colleagues) and, in addition, an amount paid by the European Parliament to cover the running costs of their offices as well as a budget to pay for staff. They also received fixed sum reimbursements for travel and subsistence expenses, often exceeding the actual costs incurred. Media investigations revealed that not all MEPs were using these funds in the correct manner, and the European Court of Auditors questioned the lack of transparency and accountability.

These criticisms led to the introduction, after much debate, of a 'single statute' which sets out the terms and conditions of MEP remuneration. Together with the introduction of the statute the system of parliamentary expenses was overhauled to ensure that all funds were used for their intended purpose. Since the 2009 election, the monthly pre-tax salary of MEPs under the single statute amounts to €7,665.31 (2009). The basic salary is set at 38.5% of the basic salary enjoyed by a judge at the European Court of Justice. The salary is paid from the parliamentary budget and is subject to an EU tax and accident insurance premium, resulting in a net salary of €5,963.33. Member states can also subject the salary to national taxes. A few MEPs who

already sat in parliament before the 2009 election have opted to retain the previous system.

Despite these major reforms, allegations of wrongdoing have continued to surface from time to time. But in the absence of clear rules of conduct the Parliament found it difficult to act. The European Commission introduced a code of conduct for its Members following the 1999 corruption scandal which brought down the Santer Commission and has updated it twice since.²² By contrast, there was no similar, stand-alone code for MEPs until the 2011 Sunday Times lobbying scandal forced a major rethink.²³ In March 2011 this British newspaper revealed that several MEPs had apparently been prepared to accept bribes in return for tabling amendments to legislative reports. In response, Parliament President Buzek called for the introduction of a code of conduct for MEPs, and a working group was set up to explore this. The group produced a draft Code of Conduct (see Annex 2) which was approved by the Parliament's Conference of Presidents (composed of the political group leaders) on 7 July 2011. The draft, as amended by the Committee on Constitutional Affairs, was formally adopted by the EP in the plenary session of 1 December 2011. The new rules will enter into force on 1 January 2012. They will replace the existing Annex 1 of the EP's Rules of Procedure, the title of which has been reformulated accordingly. (See

Committee on Constitutional Affairs, *Draft Report on amendments to the Rules of Procedure relating to a Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest* (2011/2174(REG)).

In its opening principles, the Code of Conduct states that "In exercising their duties, Members of the European Parliament: (a) are guided by and observe the following general principles of conduct: disinterest, integrity, openness, diligence, honesty, accountability and respect for Parliament's reputation, (b) act solely in the public interest and refrain from obtaining or seeking to obtain any direct or indirect financial benefit or other reward."

2.1 Ineligibility and incompatibilities

The right to stand for election to the European Parliament is governed by provisions similar to those that apply to national parliaments, and therefore differ from country to country. In all EU member states certain professional activities are judged to be incompatible with standing for, or holding, elected office. Under EU law, Members of the European Parliament cannot also be a member of a national parliament. Membership of the European Parliament is also incompatible with being a judge at the European Court of Justice, or a Member of the European Commission. MEPs-elect have their

22 The first code of conduct for European Commissioners was adopted by the Prodi Commission in 1999. A revised code was adopted by the first Barroso Commission in November 2004, and the most recent code was adopted by the second Barroso Commission in April 2011.

23 The question as to whether the various EU institutions should develop a joint ethics system/code of conduct or, instead, should independently deal with their respective ethics issues, was examined in 2000 (*Proposal for an Agreement between the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions establishing an Advisory Group on Standards in Public Life, SEC/2000/2077 final*) and in 2007 (EC Study) - see European Parliament, *The Code of Conduct for Commissioners - improving effectiveness and efficiency*, 2009, pp 20 and 26-27.

credentials verified by the competent parliamentary committee before they can formally take their seats (chapter 1, Rule 3 of the EP Rules of Procedure).

2.2 Independence

Article 2(a) of the Code of Conduct stipulates that MEPs shall “not enter into any agreement to act or vote in the interest of any other legal or natural person that would compromise their voting freedom, as enshrined in Article 6 of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage and Article 2 of the Statute for Members of the European Parliament.”

Article 3 sets out what constitutes a conflict of interest, and how MEPs should handle it when it occurs. The article states that “a conflict of interest exists where a Member of the European Parliament has a personal interest that could improperly influence the performance of his or her duties as a Member” and requires that “any Member who finds that he or she has a conflict of interest shall immediately take the necessary steps to address it”. Members are required to disclose “any actual or potential conflict of interest in relation to the matter under consideration” when acting as rapporteur or before speaking or voting on the issue in a parliamentary body.

2.3 Transparency

Transparency and accountability play an increasingly important role in structuring the activities of MEPs. As a matter of principle, the European Parliament and its various committees debate in public (Rule 103 of the EP Rules of Procedure). Exceptions

can be made for issues which are politically sensitive or confidential. Most official documents are available through the Parliament’s website. Public access to other documents is provided through a register (Rule 104). There are very few exceptions to this principle, which must be justified on grounds of privacy or security and defence considerations. The Rules of Procedure also contain a code governing the conduct of legislative negotiations with the European Commission and the Council of Ministers, which aims to increase their transparency and accountability.

Under the old Rules of Procedure, MEPs were required to make an annual written declaration setting out their outside financial interests. From the outset, the vast majority of MEPs signed up to the register and its rules. The few MEPs who opposed the register had their names published by the Brussels press as part of a transparency campaign. A criticism of the register was that because submissions were in handwritten form in the preferred language of the MEP, access to the information was not as easy as it could have been. In May 2011 MEPs approved a change to the Rules that would require them to update their financial declarations “as soon as changes occur” and at least once a year.

Under Article 4 of the new Code of Conduct MEPs must, upon election, submit a declaration of financial interests, for which they are personally responsible, and update it within 30 days whenever a change occurs. The declaration must contain details of the Member’s occupation(s) and other official roles during the three-year period before his or her election to the Parliament, as well as any

remunerated activity they engage in alongside the exercise of their mandate. Any annual income over €5000 from the same source must be declared. The Code states the declarations will be published on the EP's website "in an easily accessible manner". MEPs who have not submitted their declaration of financial interests may not be eligible to hold official Parliament functions.

2.4 Fraud and corruption

Article 5 of the Code of Conduct states that "Members of the European Parliament shall refrain from accepting, in the performance of their duties, any gifts or similar benefits, other than those with an approximate value of less than EUR 150 given in accordance with courtesy usage or those given to them in accordance with courtesy usage when they are representing Parliament in an official capacity."

Breaches of this Article are dealt with under the sanctions provisions contained in Article 8 of the Code of Conduct. In serious cases, the matter may be referred to OLAF. The European anti-fraud office, OLAF, was established in 1999 in response to the mismanagement and corruption crisis that led to the resignation of the Santer Commission. OLAF deals with, among other things, the detection and monitoring of customs fraud; misappropriation of subsidies; tax evasion (insofar as this affects the Community budget); corruption; and other illegal activities harmful to the financial interests of the Community. OLAF's jurisdiction extends to all EU Institutions, including the European Parliament. Its

role is to conduct investigations into alleged financial wrongdoing. Its conclusions are then passed on to the national prosecutor of the member state where an offence is alleged to have taken place, who must decide whether to instigate a prosecution.

The detailed provisions governing OLAF investigations involving EP Members and officials are set out in Annex XII of the Rules of Procedure. Since it was founded, OLAF has conducted inquiries into alleged financial wrongdoing by both Members and officials.²⁴ Despite this, there continue to be disagreements between OLAF and the Parliament as to the exact nature and scope of OLAF's jurisdiction, in particular as it relates to MEPs and their immunity. In March 2011, following the Sunday Times bribery scandal, EP President Buzek agreed to allow OLAF conduct an administrative investigation into the allegations. However, he refused to grant OLAF access to the offices of the MEPs concerned, arguing that this went beyond OLAF's jurisdiction, and that their parliamentary immunity would first need to be lifted.

2.5 Sanctions

Article 8 deals with the procedure to be followed "in the event of possible breaches of the Code of Conduct". Any suspected breaches must be referred to the Advisory Committee on the Conduct of Members, whose composition and powers are set out in Article 7. This Committee is composed of 5 Members, drawn from the leadership of the Constitutional and Legal Affairs Committees.²⁵ If

²⁴ Thus, investigations conducted by, amongst others, OLAF led to the conviction by a London court (11 November 2009) of a former British MEP for misuse of EU funds while exercising his mandate. He was the first MEP to be convicted for this type of fraud.

²⁵ Transparency campaigners have criticised the fact that the committee does not contain any independent outside experts.

a Member is found to have breached the Code, the penalties which can be imposed by the President on a recommendation from the Committee can range from a simple reprimand, to a fine, to a proposal to deprive the Member of one or more official roles.

Members of the European Parliament participating in election observation missions are subject to a special code of conduct, which is annexed to the implementing provisions governing election observation delegations.²⁶ In case of “a serious breach” of the provisions of this code, the sanctions which are available to deal with disruptive members can be applied. Additional sanctions include exclusion from the delegation and/or exclusion from taking part in other election observation missions during the remainder of the parliamentary term.

3. Officials

The rights and obligations of the officials working for the European Parliament are set out in the EU Staff Regulations and in a separate Code of Conduct adopted by the Parliament’s ruling body, the Bureau. These rules are designed to safeguard officials’ independence from outside interests and political influence, to ensure their loyalty to the Institution and to prevent harm to Parliament’s reputation. General obligations include a require-

ment to seek permission before engaging in certain external activities or receiving honours; refraining from activities within parliament’s purview that might lead to a conflict of interest;²⁷ acting prudently, within and outside the working environment, with regard to parliament’s policies and proceedings; maintaining confidentiality of information of which staff have knowledge by reason of their duties; and non-discrimination in dealing with members of the public. Specific obligations, or “service obligations”, include being at Parliament’s constant disposal; performing assigned tasks and complying with instructions; assisting investigations; and fulfilling private obligations. There are complaints procedures for dealing with improper behaviour as well as sanctions in case of infringement of the rules.

In 1998 the European Ombudsman launched an inquiry into standards of “good administrative behaviour” in the European Institutions. The Ombudsman’s inquiry received strong backing from the European Parliament and led to the adoption, in 2001, of a Code of Good Administrative Behaviour governing relations between the European Union institutions and the general public.²⁸ The standards set by the code include: a service-minded, correct and courteous approach in dealing with the public; respect for the privacy and integrity of individual citizens; openness towards the public through concrete measures. The rules apply equally

²⁶ These provisions were adopted by decision of the Conference of Presidents of 10 December 2009.

²⁷ This applies not only to the official, but also to his/her spouse for a period of up to three years following employment in the European Parliament.

²⁸ European Parliament resolution on the European Ombudsman’s recommendations stemming from his own-initiative inquiry OI/198/OV into the existence and the public accessibility, in the different Community Institutions and bodies, of a Code of Good Administrative Behaviour.

to European civil servants and other employees (temporary agents, external consultants, assistants, seconded national experts) and must be applied uniformly in all contacts with the public. Complaints about cases of maladministration (e.g. discrimination, unjustified delays in responding to requests, abuse of power) can be lodged with the office of the Ombudsman. Together with proposals to simplify administrative procedures and improve individual accountability, the code is designed to improve the public standing of the Commission and the Parliament in their dealings with the general public. The code is not legally binding. However, in the light of the right to a good administration stipulated in Article 41 of the Charter of Fundamental Rights of the European Union,²⁹ the code carries considerable weight.

A logical next step would be to turn the Code of Good Administration into a legally binding document. This could be achieved by transforming the code into a fully-fledged 'European law on good administration'. Such a law could be based on Article 298 of the Consolidated Treaty on the Functioning of the European Union,³⁰ which stipulates: "In carrying out their missions, the institutions, bodies and agencies of the Union shall have the support of an open, efficient and independent European admin-

istration. In compliance with the Staff Regulations and the Conditions of Employment adopted on the basis of Article 336, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish provisions to that end."

Parliamentary assistants

Since the European elections of 2009, major disparities and irregularities affecting the pay and conditions of parliamentary assistants - a big problem up until then - have largely been eliminated. Following the entry into force of a new statute governing their status, parliamentary assistants are now directly employed by the European Parliament as temporary agents. This means that, with the notable exception of the requirement of political neutrality, the standards of ethics and conduct which apply to Parliamentary officials also apply to them. The statute has also largely put an end to the earlier and widespread practice of MEPs employing family members as their assistants, although some exceptions are still permitted. Around 20 MEPs still make use of the derogation allowing re-elected MEPs who previously employed family members to continue doing so until 2014, according to the Secretary-General of the EP in written answers to questions from MEPs (January 2011).

²⁹ Article 6/1 of the Consolidated Treaty on European Union declares the Charter of Fundamental Rights of the European Union (2000) to have the same legal value as the European Treaties.

Article 41 of the Charter on the right to good administration should be read in conjunction with Article 43 of the same Charter, which establishes the right to refer cases of maladministration to the European Ombudsman. In a publication (dated 5 January 2005) dedicated to the European Code of Good Administrative Behaviour, the European Ombudsman confirmed his view that the Code should be incorporated into the body of European law by turning it into an EU regulation.

³⁰ Article 298 was introduced as a new provision by the 2004 Inter-Governmental Conference tasked with preparing a constitution for the EU. In the draft text of the ill-fated constitution, the provision figures under Article III-398.

Following a ruling by the EU General Court in June 2011, the Parliament's Bureau agreed to publish a 2006 audit report by the Parliament's internal auditor which heavily criticised the operation of the parliamentary assistance allowance. President Buzek said the criticisms contained in the report had been addressed through the introduction of the new system in 2009.

4. Lobbyists

As the legislative powers of the European Union and the European Parliament have increased, so has the number of lobbyists. Some estimates put the total number of lobbyists in Brussels at 15,000, but there is no recent scientific evidence to back this up. What we do know is that over 2,800 lobbyists are holders of a long-term access pass to the European Parliament and that over 4,000 interest representatives have signed up to the old and new transparency registers (see below). Lobbyists play an important role in the legislative process. As Maya Kluger Rasmussen points out in a recent paper for the Centre for European Policy Studies:

"Lobbying is essential to the functioning of the European Parliament, particularly when MEPs are attempting to gauge the impact of policies on specific sectors. Interest groups' provision of information and technical expertise to MEPs often ensure more informed policy formulation. (...) When drafting the committee reports, rapporteurs routinely seek out key interest groups to solicit their

views. It is often reported that representatives of European associations have written large parts of the rapporteur's report and the amendments proposed by committee members. Informed estimates claim that about 80% of all amendments launched in the committees stem directly from interest representatives and the inspiration behind the last 20% often comes from outside Parliament. While the tabling of amendments stemming from interest groups does not necessarily ensure their adoption in Parliament, the figures demonstrate that interest groups play an important role in the Parliament's work. Indeed, it is not unusual to see MEPs from different political groups suggesting identical amendments with identical justifications. This highlights the fact that committee amendments are not only subject to intense negotiations between committee members, but also between MEPs and affected interest organisations"³¹

In order to be a force for good, lobbying must therefore take place in full transparency. As Kluger Rasmussen says: "While theoretically consistent with the ideals of democracy, the influence of interest groups can, in practice, lead to political corruption (as was the case in the 'cash for laws' scandal) and inequality of representation."³²

The European Parliament and the European Commission have both been working to enhance transparency of lobbying activities at the European level. In 1996, the European Parliament was the first EU institution to consider and endorse proposals to regulate lobbying. A register was set up and

31 "Lobbying the European Parliament: a necessary evil", by Maja Kluger Rasmussen, CEPS Policy Brief No. 242, May 2011, p. 2.

32 Ibid, p. 2.

the Quaestors were made responsible for issuing individual passes (with a maximum validity of one year) to “persons who wished to enter Parliament regularly with a view to supplying information to members within the framework of their parliamentary mandate”.

Since 1999, the Commission has also taken a number of steps to improve the transparency of lobbying. In 2005 the European Transparency Initiative was launched, and in 2008 the Commission established a ‘voluntary register of interest representatives’ as well as a code of conduct aimed at subjecting interest representation, its actors and their activities to greater transparency.

On 11 May 2011 the European Parliament approved plans to set up a joint European Parliament - European Commission ‘Transparency Register’ to cover lobbying activity in both Institutions. This register came into effect in June 2011. Under the new system all lobbyists who register are required to declare who their clients are, and (within certain brackets) how much income they generate from lobbying activities. The register is not mandatory, and the European Parliament is maintaining its own system for issuing access passes. However, lobbyists who do not register are not eligible for an access pass. This means that lobbyists who until now had escaped registration of their clients and their lobbying income by only registering with the European Parliament and not with the European Commission, no longer have that route available to them. The Parliament also agreed to ask the Bureau to devise a system for adding a ‘legislative footprint’ of consulted lobbyists to all reports, thereby shed-

ding light on which outside actors play a role in shaping European legislation.

As of 28 July 2011, the new joint Transparency Register had received 610 registrations. The ‘old’ Commission register still numbered 3,528 interest representatives. The registrations are unverified, except in cases where a complaint is made.

Transparency campaigners have welcomed the new register as an important step in the right direction, but criticise the fact that the register is not mandatory. They also believe that the financial disclosure requirements are insufficient. Interestingly, many (international) lobbying firms also support a mandatory register, as they believe the voluntary system allows smaller, local companies and individual consultants, who are less concerned about their (international) reputation, to escape scrutiny. Finally, transparency campaigners criticise the fact that there is no ‘cooling off’ period for EP civil servants and MEPs who give up their official functions, as is common practice in many other parliaments as well as in the European Commission. In 2010, for instance, the European Commission’s Ethics Committee refused to allow former Irish Commissioner Charlie McCreevy, who as Commissioner for the Internal Market had been responsible for financial markets regulation, to take up a position on the board of NBNK Investments, a UK banking company. He resigned his new post as a result. The European Parliament is tightening up its rules, however. In its new Code of Conduct, the EP stipulates that “former Members who engage in professional lobbying or representational activities directly linked to the European Union decision-making process

may not benefit from the facilities granted to former Members under the rules laid down by the Bureau on 12 April 1999 to that effect". These facilities currently include a permanent access badge to the EP's premises and the use of an office reserved for former Members. Transparency campaigners have said the EP should also introduce a formal cooling off period for former Members.

5. External policies

In recent years there has been a strong emphasis on democratic development as a key goal in the external and development policies of the EU. This culminated in the November 2009 Conclusions of the European Council on democracy support.³³ Along with other international organisations,³⁴ the EU actively promotes democracy as a universal value and supports its development in a comprehensive and systematic manner. Central to this approach is the strengthening of the role of parliaments. Credible, legitimate and effective legisla-

tures are considered a pre-condition for a healthy, fully-functioning democracy. Assessment frameworks for the design of parliamentary development programmes, as drawn up by the European Commission,³⁵ include the establishment of codes of conduct for parliamentarians and staff as one way of "building up a parliamentary culture, common practice and acceptable standards of conduct".³⁶ Codes of conduct, in other words, can play a vital role in shaping and guiding the work of inexperienced parliamentarians to help them meet the expectations of their constituents by operating in a legally and ethically sound framework. In addition, codes of conduct can help inexperienced parliaments, such as parliaments elected in the aftermath of conflict, monitor themselves.³⁷ Finally, codes of conduct can help create an environment conducive to the constructive participation of the opposition in the overall political process ('level-playing field'), thus enabling parliamentarians to work together across party lines on issues of national importance and contributing to the strengthening of parliament as an institution.³⁸

33 These Council Conclusions were complemented by an Agenda for Action on Democracy Support in EU External Relations, much of which will have to be implemented by the European Commission in close cooperation with EU member states.

34 The Organization of American States (OAS) adopted its Inter-American Democratic Charter (2001), the African Union (AU) its Charter on Democracy, Elections and Governance (2007).

35 See European Commission, *Engaging and Supporting Parliaments Worldwide - Strategies and methodologies for EC action in support to parliaments*, Luxembourg: Publications Office of the European Union, 2010, pp 44-67.

36 *Ibid.*, p.56.

37 See UNDP, *Parliaments, Crisis Prevention and Recovery - guidelines for the international community*, UNDP 2006, p.9.

38 See World Bank, *Parliaments as Peace-builders: Parliaments in Conflict-Affected Countries*, Professional Development Programs for Parliamentarians and Staff, pp 1.7-1.9, 2.3-2.4.

<http://web.worldbank.org/WBSITE/EXTERNAL/WBI/WBIPROGRAMS/PSGLP/0,,contentMDK:21548391~pagePK:64156158~piPK:64152884~theSitePK:461606,00.html>

CONCLUSION

At a time when politicians and officials are subjected to ever closer scrutiny by voters and the media, the introduction of parliamentary codes of conduct in EU member states and at EU level has made an important contribution to improving the quality and legitimacy of democratic governance in general and ethics regimes in particular. Whether in the form of stand-alone texts or as collections of articles scattered across a range of different documents, codes of conduct have contributed to raising the ethics bar for parliamentarians, their staff, and lobbyists, thus enabling them to improve their standing in the eyes of the public.

But it should be remembered that codes of conduct in themselves cannot guarantee the integrity of a parliamentary system. There are many

aspects of political, economic, social and cultural life which cannot be captured in a basic, written set of rules of behaviour. In the end, a parliament's attitude towards ethics is likely to mirror that of the society of which it forms a part. As the cliché goes, the people get the politicians they deserve. Similarly, it is not possible to legislate for individual honesty. So while politicians have a special responsibility to improve transparency and accountability, they can only do so if society is prepared to create the right conditions - and if they themselves are made of the right stuff.

ANNEX 1: Comparative overview of codes of conduct in force in the EU member states' parliaments

SYNOPTIC TABLES

AUSTRIA Nationalrat Bundesrat		
Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • No Code of Conduct • Federal law on the Rules of procedure of the National Council • Special legislation relating to incompatibilities and financial interests • Penal Code 	<ul style="list-style-type: none"> • The Committees on Incompatibilities of the National and Federal Councils are competent for matters relating to incompatibilities and financial interests • Possible that the President's Conference (advisory body) discuss such matters in an informal way
Staff	<ul style="list-style-type: none"> • No Code of Conduct in the strict sense • Internal Staff Regulations 	No special staff apart from the usual assistance by the Parliamentary Administration
Lobbyist	N/A	N/A

www.parlament.gv.at

Principles	
<ul style="list-style-type: none"> • Freedom of speech • Incompatibility with certain commercial activities • Obligation to declare private employment • Anti-corruption principles • Limited transparency of activities 	
<ul style="list-style-type: none"> • Independence • Non-discrimination • Best endeavour in the performance of the job • Receipt of gifts prohibited 	
N/A	Economic interest groups such as employers' organisations and trade unions have a significant input into the making of law in the context of the "social partnership". They are among others consulted officially during the law-making process.

BELGIUM

Federal Parliament of Belgium

House of Representatives & Senate

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• No code of conduct in the strict sense at federal level (deontological code for the members of parliament of the Flemish Community)• Federal law of 6 August 1931 on incompatibilities and disqualifications concerning (former) ministers and (former) members of parliament• Federal law of 2 May 1995 relating to the requirement to file a list of previous occupations and a declaration of property, completed by the law of 26 June 2004	<ul style="list-style-type: none">• Joint Committee of Chamber of Representatives and Senate regarding financing of party accounts• Court of Auditors for some aspects (financial operations of Federal State, Communities, Regions and public institutions)
Staff	<ul style="list-style-type: none">• No code of conduct in the strict sense• Internal staff regulations	<ul style="list-style-type: none">• Disciplinary power held by the Secretary General (with possibility of internal appeal)• External appeals dealt with by the <i>Conseil d'Etat</i>
Lobbyist	N/A	N/A

www.lachambre.be / www.senate.be

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed by the Constitution • Incompatibility with some political mandates and public offices (within the executive) • limitations to the concurrent holding of offices • Limitations to concurrent sources of public incomes (1.5x parliamentary salary) • Registration of property 	
<ul style="list-style-type: none"> • Prohibition on the concurrent holding of mandate of MP or provincial councillor, of public offices and of the occupation of journalist • Subsidiary (paid) occupation subject to prior authorisation • Honour and dignity in office • Discretion 	
<p style="text-align: center;">N/A</p>	

BULGARIA

Narodno Sabranie / National Assembly of the Republic of Bulgaria

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • Constitution of the Republic of Bulgaria (Prom. SG 56/13 Jul 1991, amend. SG 12/6 Feb 2007) • Rules of organisation and procedure of the National Assembly (Prom. SG. 58/27.07.2009; amend. SG No 43/ 8.06.2010) • Law on prevention and disclosure of conflicts of interest (Prom. SG. 94/31 Oct 2008, amend. SG. 58/30 Jul 2010) • Law for publicity of the property of persons occupying high state positions (Prom. SG. 38/9 May 2000, amend. SG. 62/10 Aug 2010) 	<ul style="list-style-type: none"> • Anti-Corruption, Conflict of Interest and Parliamentary Ethics Committee • Court of Auditors
Staff	<ul style="list-style-type: none"> • Law for the civil servant (Prom. SG. 67/27 Jul 1999, amend. SG. 58/30 Jul 2010) • Law on prevention and disclosure of conflicts of interest (Prom. SG. 94/31 Oct 2008, amend. SG. 58/30 Jul 2010) 	<ul style="list-style-type: none"> • The appointing body (the Speaker or the Secretary General of the National Assembly)
Lobbyist	N/A	N/A

www.parliament.bg

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech • Office of MP incompatible with other elective or government office or position in civil service • Obligation to declare financial interests • Obligation to reveal and to avoid conflicts of interest 	
<ul style="list-style-type: none"> • Basic principles: Lawfulness, loyalty, responsibility, stability, political neutrality and hierarchic subordination • Obligation to reveal and to avoid conflicts of interest • Obligation to declare financial interests 	
<p>N/A</p>	

CYPRUS

Vouli Antiprosopon

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">Rules of Procedure of the House of Representatives	<ul style="list-style-type: none">President of the House
Staff	<ul style="list-style-type: none">Civil Service Law	<ul style="list-style-type: none">Secretary-General of the ParliamentCivil Service Commission (for serious cases of misbehaviour)
Lobbyist	N/A	N/A

www.parliament.cy

Principles	Distinctive features
<ul style="list-style-type: none"> Freedom of speech guaranteed Office of MP incompatible with the office of minister, member of a municipal council, membership of the armed or security forces 	Information not available
<ul style="list-style-type: none"> Independence Impartiality 	
N/A	

CZECH REPUBLIC

Poslanecká sněmovna / Senát

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> Debates on a non-legislative code of conduct so far have not led to the adoption of one Constitution of the Czech Republic (1992), chapter 2 <p>Chamber of Deputies</p> <ul style="list-style-type: none"> Law no.159/2006 Coll., on conflict of interest, as amended <p>Senate</p> <ul style="list-style-type: none"> Rules of procedure of the Senate Law no.159/2006 Coll., on conflict of interest, as amended 	<p>Mandate and Immunity Committee (in accordance with Law No.159/2006 Coll., on conflict of interest, the Mandate and Immunity Committee keeps the register of notifications on activities, property and income, gifts and obligations for the deputies and other public officials. Upon a written request, anyone is entitled to inspect the register at no charge and to take notes and abstracts thereof. If, based on facts established or notifications received, the committee reaches the conclusion that there is a legitimate suspicion that a public official has violated the obligations imposed on him/her by the Law on conflict of interest, the committee is authorised to submit a proposal for the commencement of legal proceedings for breach of duty).</p>
Staff	<ul style="list-style-type: none"> Currently, there is no civil service law Basic document is the Labour Code (Law No.262/2006 Coll., as amended) Internal regulations of the Office of the Chamber of Deputies (work order, organisation order, etc) 	<ul style="list-style-type: none"> Secretary-General of the Office of the Chamber of Deputies
Lobbyist	<p>Currently, there is no legislation in force, although the issue is being debated in the Chamber of Deputies</p>	<p>N/A</p>

www.czech.cz / www.senat.cz

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Limitation of selected activities of public officials and incompatibility of public office with other assignments (chapter 3 of the Law on conflict of interest) • Presentation of notifications of personal interest, activities, assets, income, gifts and liabilities (chapter 4 of the law on conflict of interest) • An MP cannot be a member of both chambers of Parliament 	
<p>Civil servants have similar discretion and duties as employees in the private sector. Employees in administrative authorities have extra duties, as stipulated in the Labour Code (§ 303).</p>	
<p>N/A</p>	

DENMARK

Folketinget

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• No code of conduct in the strict sense• Standing Orders of the Folketing, October 2009• Consolidated Act 1123 of 24 October 2006 regarding financing of political parties (no obligations for individual MPs)• Penal Code	<ul style="list-style-type: none">• No regulatory bodies for standards in public life in the strict sense• Self-regulation by the Folketing through its own rules of procedure and conduct (Standing Orders Committee)• Ombudsman appointed to “oversee the administration”• Danish Council of Ethics
Staff	<ul style="list-style-type: none">• No code of conduct in the strict sense• General rules concerning state officials applicable• Internal staff policies for employees in the Administration of the Folketing• Penal Code	<ul style="list-style-type: none">• No regulatory bodies for standards in public life in the strict sense• Ombudsman appointed to “oversee the administration”• Danish Council of Ethics
Lobbyist	No regulation in force at present, but see below	N/A

www.ft.dk

Principles	Distinctive features
<ul style="list-style-type: none"> • Transparency vis-à-vis the public • Freedom of conscience and of speech (with some restrictions regarding the party's function) • Obligation to declare income and financial interests 	
<ul style="list-style-type: none"> • Transparency in relationships with citizenship • Openness to the public • Bribes and gifts prohibited 	
<p>N/A</p>	<p>When a standing committee in the Folketing decides to receive a deputation, information about it is registered and the name of the deputation is put on the agenda for the relevant meeting in the standing committee. There is no registration of lobbyists and lobbyists may lobby a standing committee without any registration.</p>

ESTONIA
Riigikogu

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • No code of conduct in the strict sense • Constitution of the Republic of Estonia • Internal Rules Act of the Estonian Parliament • Anti-Corruption Act 	<p>Select Committee of the Riigikogu on the Application of Anti-Corruption Act (Members must declare their economic interests to the Committee)</p>
Staff	<ul style="list-style-type: none"> • No code of conduct in the strict sense • Internal Staff Regulation for Parliament's Secretariat • General employment legislation • Public Service Act 	<ul style="list-style-type: none"> • Secretary-General of the Parliament • Select Committee on the Application of Anti-corruption Act (2002)
Lobbyist	N/A	N/A

www.riigikogu.ee

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Obligation to declare economic interests • Other public offices or board membership of commercial companies prohibited • Loyalty towards the State • Act in accordance with the rules of law and the public interest 	
<ul style="list-style-type: none"> • Political neutrality • High level of professionalism • Loyalty and honesty • Strikes prohibited • Obligation to declare economic and financial interests • Restrictions on re-entering commercial activities • Obligation of transparency towards the public • Act in accordance with the rule of law and the public interest • Due respect for rules on data privacy 	
N/A	N/A

FINLAND

Eduskunta - Riksdagen

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• No code of conduct in the strict sense• Constitution of Finland (2000)• Parliament's Rules of Procedure• Criminal Code (chapter 40 regulates cases of bribery)• 2002 resolution to fight against corruption	<ul style="list-style-type: none">• The Speaker• Speaker's Council• Plenary Session
Staff	<ul style="list-style-type: none">• No code of conduct in the strict sense• 2003 Act on parliamentary officials	<ul style="list-style-type: none">• Secretary-General of the Parliament• Office Commission
Lobbyist	N/A	N/A

<http://web.eduskunta.fi>

Principles	Distinctive features
<ul style="list-style-type: none"> • Incompatibilities with other public offices (Chancellor of Justice, Ombudsman, Prosecutor-General, Judges of the Supreme Court and the Supreme Administrative Court, President of the Republic) • No dual MP-MEP mandate • Independence • Freedom of speech guaranteed • Voluntary declaration of non-parliamentary activities, paid or unpaid, and financial interests • Transparency with regard to parliamentary behaviour • Dignity and non-offensive behaviour • Conflict of interest: disqualification from consideration of and decision-making in matters pertaining to him/her personally 	
<ul style="list-style-type: none"> • Openness • Bribes and gifts prohibited • Impartiality • Reliability and professionalism 	
N/A	N/A

FRANCE

Assemblée Nationale / Sénat

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • No code of conduct in the strict sense • Parliament's rules of procedure • Organic Law 11.3.1988 relating to the declaration of financial interests • Organic Law 29.1.1993 "anti-corruption" • Criminal Code for cases of corruption • Electoral Code 	<ul style="list-style-type: none"> • Constitutional Council (for concurrent holding of offices) • Ordinary judicial courts • Central Department for the prevention of Corruption
Staff	<ul style="list-style-type: none"> • No code of conduct in the strict sense • Criminal Code for cases of corruption • National Assembly: 1958 Order regarding the autonomy of parliamentary staff • Senate: Statute of the Senate 	<ul style="list-style-type: none"> • Disciplinary power held by the Secretary General • Sanctions applied by ordinary courts
Lobbyist	<p>National Assembly</p> <ul style="list-style-type: none"> • Code of conduct for lobbyists (adopted by the Bureau of the National Assembly on July, 2nd 2009) 	N/A

www.assemblee-nationale.fr / www.senat.fr

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Incompatibilities (government membership and certain professional activities) • Limitation to only 2 elective mandates 	
<p>National Assembly</p> <ul style="list-style-type: none"> • Helpfulness • Political neutrality • Discretion • Confidentiality <p>Senate</p> <ul style="list-style-type: none"> • General principles of law • Express duty of confidentiality 	
<p>N/A</p>	<p>N/A</p>

GERMANY

Bundesrat/ Bundestag

Target group	Legal basis	Regulatory body
<p>Members of Parliament</p>	<p>Bundestag</p> <ul style="list-style-type: none"> • Rule 18 of the Rules of Procedure, in conjunction with Annex 1 of the Rules of Procedure setting out the Code of Conduct for members of the Bundestag • Penal Code <p>Bundesrat</p> <ul style="list-style-type: none"> • Apart from the house rules which refer to some behavioural aspects, there is no code of conduct in the strict sense • Penal Code 	<p>Bundestag and Bundesrat</p> <ul style="list-style-type: none"> • No permanent bodies in the strict sense • The presidents of the Bundestag and <i>Bundesrat</i> have investigative powers and the right to take non-formal regulatory measures, such as admonition of members, their exclusion from meetings and the imposition of coercive fines <p>Bundestag</p> <ul style="list-style-type: none"> • Control undertaken by the judiciary • Temporary Committee of Inquiry • Lander: anti-corruption sections <p>Bundesrat</p> <ul style="list-style-type: none"> • Ordinary courts
<p>Staff</p>	<ul style="list-style-type: none"> • No code of conduct in the strict sense <p>Bundestag</p> <ul style="list-style-type: none"> • Fundamental law • Penal code • Federal Public Service law • Internal Staff Regulations <p>Bundesrat</p> <ul style="list-style-type: none"> • Apart from the house rules which refer to some behavioural aspects, there is no code of conduct in the strict sense • Public service laws • Penal Code 	<p>Bundestag</p> <ul style="list-style-type: none"> • President of the German Bundestag concerning the adoption of Internal staff regulations <p>Bundesrat</p> <ul style="list-style-type: none"> • Sanctions regulated by law • The president, as the supreme authority for the civil servants of the <i>Bundesrat</i> and the secretary-general of the <i>Bundesrat</i> • Anti-corruption delegate • Ordinary courts

www.bundesrat.de / www.bundestag.de

Principles	Distinctive features
<p>Bundestag</p> <ul style="list-style-type: none"> • Freedom of speech guaranteed • Obligation to declare gifts with a value exceeding 5000 EUR • Obligation to declare previous activities and other financial and professional interests • Information provided pursuant to declarations on interests to be made public • obligation to declare donations with a value exceeding 5000 EUR; Donations exceeding 10 000 EUR in one calendar year shall be published by the president, with the amount and origin stated <p>Bundesrat</p> <ul style="list-style-type: none"> • No regulation summing up status and obligations of members • Freedom of speech guaranteed for members • Incompatibility of <i>Bundesrat</i> and <i>Bundestag</i> membership • Obligation to fulfil the office conscientiously 	
<p>Bundesrat</p> <ul style="list-style-type: none"> • Impartiality • Conscientiousness in work • Moderation and limitation on political activities • Loyalty to democratic values • Obligation to declare gifts exceeding 10 EUR in value, or 25 EUR in value for employees with representative duties <p>Bundestag</p> <ul style="list-style-type: none"> • Obedience to and defence of constitution and law • loyalty to democratic values • impartiality • conscientiousness in work • discretion 	

Target group	Legal basis	Regulatory body
Lobbyist	<p>Bundestag</p> <ul style="list-style-type: none"> • Section 18 of the Rules of Procedure • Annex 2 to the Rules of Procedure <p>Bundesrat</p> <ul style="list-style-type: none"> • No regulation in force at present 	<p>Bundestag</p> <ul style="list-style-type: none"> • No special regulatory body. The president of the Bundestag keeps a public list in which all trade and industry associations representing interests vis-à-vis the Bundestag or the Federal government shall be entered

Principles	Distinctive features
N/A	Their representatives shall be heard only if they have entered themselves in this list, furnishing the following information: name and seat of the association; composition of the board of management and the board of directors; sphere of interest of the association; number of members; names of the association's representatives; and address of its office at the seat of the Bundestag and of the Federal Government.

GREECE
Hellenic Parliament

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • Constitution (art. 55 - 63) • Standing orders of the Parliament (art. 75 - 83) • Statute Law 3023/2002 on the "Financing of political parties: income, expenditure, publicity and control of political parties and candidate MPs" • Electoral Law (Presidential Decree 96/2007) 	<ul style="list-style-type: none"> • No permanent regulatory committee • Special Highest Court (article 100 of the Constitution) • Speaker of the Parliament and Chairmen of parliamentary committees (disciplinary measures); (art. 76-82 of Standing orders) • Special Committee (controlling committee) art. 21 of Statute Law 3023/2002 • Special permanent parliamentary committee on parliamentary ethics/Deontology" (art. 43A of the Standing orders)
Staff	<ul style="list-style-type: none"> • No code of conduct in the strict sense • Part B of the Standing Orders (organisation of services - personnel) • Civil servants' code • Penal code 	<ul style="list-style-type: none"> • "Administrative Council" of the Parliament headed by the Secretary General • Disciplinary Board of the Parliament • Ordinary courts/tribunals
Lobbyist	N/A	N/A

www.parliament.gr

Principles	Distinctive features
<ul style="list-style-type: none"> • Incompatibilities with certain functions or undertakings (art. 57 of the Constitution) • Freedom of opinion and vote (art. 60 of the Constitution) • Parliamentary immunity from prosecution (art. 61 of the Constitution) • Limitations as regards the electoral campaign (Statute Law 3023/2002) 	
<ul style="list-style-type: none"> • Impartiality • Professionalism • Incompatibility of the civil service status with other forms of employment • Loyalty • Confidentiality 	
N/A	The concept of lobbying does not exist in Greek law

HUNGARY

Az Ország Haza

Target group	Legal basis	Regulatory body
Members of Parliament	<p>No code of conduct in the strict sense</p> <ul style="list-style-type: none"> • Constitution of 1989 • Standing Orders of the Parliament of Hungary, Resolution 46/1994 • Act LV/1990 on the Legal Status of Members of Parliament 	<ul style="list-style-type: none"> • Immunity Commission (right to lift immunity in cases of incompatible behaviour)
Staff	<p>No code of conduct in the strict sense</p> <ul style="list-style-type: none"> • Law 23/1992 regarding the legal status of state officials • Resolution 46/1994 concerning Parliament Rules 	<ul style="list-style-type: none"> • Secretary-General of the Parliament
Lobbyist	N/A	N/A

www.parlament.hu

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Honour the general well-being and interest of the public • Incompatibility with all other functions in the public administration, army or police • Obligation for MPs to declare economic interests, incomes and property 	
<ul style="list-style-type: none"> • Respect of the hierarchy • Obligation to declare financial interests 	
<p style="text-align: center;">N/A</p>	<p>A Lobbying Act setting up a register was passed in September 2006 with the creation of a register</p>

IRELAND
Dáil Éireann
Seanad Éireann

Target group	Legal basis	Regulatory body
<p>Members of Parliament</p>	<ul style="list-style-type: none"> • Prevention of Corruption (Amendment) Act • Ethics in Public Office Act, 1995 and Standards in Public Office Act, 2001 (<i>together cited as the Ethics Acts, 1995 and 2001</i>) • Code of conduct for Office Holders, 2003 http://www.sipo.gov.ie/en/Guidelines/EthicsActs/OfficeHolders/ • Code of conduct for Members of Dáil Éireann http://www.sipo.gov.ie/en/CodesofConduct/TDs/ • Code of conduct for Members of Seanad Éireann • http://www.sipo.gov.ie/en/CodesofConduct/Senators/ • The Official Secrets Act, 1963 <p>* Intention to consolidate all law in the area of Prevention of Corruption (Legislative programme)</p> <p>* The Programme for Government foresees that no senior public servant or Minister can work in the private sector in any area involving potential conflict of interest with their former area of public employment, until at least two years have elapsed after they have left the public service</p>	<ul style="list-style-type: none"> • Standards in Public Office Commission • Committee on Members' Interests (Dail Éireann) • Committee on Members' Interests (Seanad Éireann)³⁹

39 These latter two parliamentary committees assist members to comply with ethics legislation and draft codes of conduct (which are approved and published by SIPO). They also investigate alleged contraventions of the Acts. A high-profile report in this respect was published by the Committee on Members' Interests (Seanad Éireann) in July 2010. http://www.oireachtas.ie/documents/committees30thdail/standing_smembers_interests/Reports/document1.doc

www.oireachtas.ie

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed <p>Members are guided by the public good at all times and never by any private or personal interest. As such all members must:</p> <ul style="list-style-type: none"> • Provide an annual statement of registerable interests including occupational income, shares, directorships, land and buildings, gifts, supplies of property or services, travel facilities, remunerated position as a lobbyist, contracts with the State. This is published as the annual Register of Members' Interests • Disclose a material interest where he/she is to speak or vote on an issue in either House (including committees) on which he/she is aware of having a material interest • Not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties, for personal gain or the personal gain of others. • Use public resources prudently • Interact with the administration and law enforcement authorities consistent with their public representative role <ul style="list-style-type: none"> • Members who are also 'office holders' (Ministers, Chair or Vice Chairs of Committees) have additional disclosure requirements such as statements of additional interest, the surrendering of gifts over €650 (with some exceptions), stating material interest in functions to be performed. See Ethics Act, 1995, Section III and Code of Conduct (above). 	

Target group	Legal basis	Regulatory body
Staff	<ul style="list-style-type: none"> • Standards in Public Office Act, 2001 • Staff of the Houses of the Oireachtas Act 1959 and the Houses of the Oireachtas Commission Acts, 2003, 2006 and 2009 • The Official Secrets Act, 1963 • Freedom of Information Acts 1997-2003 • Civil Service Code of Standards and Behaviour, Revised edition (2008) http://www.sipo.gov.ie/en/CodesofConduct/CivilServants/File,727,en.pdf • Standing Orders of the Dáil and Seanad • Finance Ministry Circulars <p>* Project of Whistleblowers Act to protect public servants that expose maladministration by ministers or others</p> <p>* Amendment of the Freedom of information Act foreseen for late 2011</p>	<ul style="list-style-type: none"> • Standards in Public office Commission
Lobbyist	<p>No</p> <ul style="list-style-type: none"> • A revised Programme for Government published in 2009 committed to the introduction of a register for lobbyists⁴⁰. According to the Programme of the new government (2011 - 2015) a statutory register of lobbyists and rules concerning the practice of lobbying will be introduced. 	N/A

40 The Policy Institute, International Trends in Lobbying Regulation, 13 December 2010, Dublin.

Principles	Distinctive features
<ul style="list-style-type: none"> • A summary of the main features of the code is published at http://www.sipo.gov.ie/en/CodesofConduct/CivilServants/Name,725,en.htm • Impartiality (including non-involvement in outside business activity that would conflict with the interests of their office/department and no receipt of benefits or hospitality that might compromise judgement) • Openness in relations with the public (Freedom of Information Acts) but still ensuring confidentiality with regard to sensitive information (Official Secrets Act, 1963) • Respect of private data • Effective and efficient use of public money • Must not seek contracts from Departments for their own or another's personal benefit <p>Parliamentary staff are guided by the principles above and, where relevant, other Acts (see above). Principles promoted include:</p> <ul style="list-style-type: none"> • Impartiality with respect to all political parties • Professionalism • Responsiveness • Honesty 	
<p>N/A</p>	<ul style="list-style-type: none"> • There is a code of good practice but it is self-delivered and patchy in application.

ITALY

Camera dei Deputati / Senato

Target group	Legal basis	Regulatory body
Members of Parliament	<p>No Code of Conduct in the strict sense</p> <ul style="list-style-type: none">• Constitution of the Republic of Italy (1947)• Laws 175/1974 and 515/1993 relating to financing of political parties• Law 441/1982 concerning disclosure of financial interests• Law 515/1993 relating to rules for election campaigns• Internal Rules of Procedures (18.2.1971, amended 7.7.2009)	<p>No regulatory body</p> <ul style="list-style-type: none">• Self-regulation and supervision through the Presidents of the Chambers• Traditional investigation and judicial bodies (especially for cases involving corruption)
Staff	<ul style="list-style-type: none">• Criminal Code relating to corruption and abuse of power• Employment Code (since 1993)	<ul style="list-style-type: none">• Secretary-General of the Chambers
Lobbyist	No	N/A

<http://nuovo.camera.it / www.senato.it>

Principles	Distinctive features
<ul style="list-style-type: none"> • Obligation to declare gifts • Freedom of speech guaranteed • Obligation to declare property and expenses and contractual obligations for election campaigns 	
<ul style="list-style-type: none"> • Independence • Professionalism 	
N/A	There were attempts to introduce legislation in the 1980s, and there is now pressure to introduce a register of lobbies

LATVIA

Saeima

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• Code of Ethics in force since 2006, last amended on 11 November 2010• Law on the prevention of conflict of interest in the activities of public officials	<ul style="list-style-type: none">• Mandate, Ethics and Submissions Committee• Bureau for the prevention and combating of corruption
Staff	No code of conduct in the strict sense. The employment relations of the parliamentary staff are governed by labour law and internal staff regulations	<ul style="list-style-type: none">• Secretary-General of the Saeima
Lobbyist	There is no regulation in force	

www.saeima.lv

Principles	Distinctive features
<ul style="list-style-type: none"> • Obligation to declare financial interests • Judicial, administrative and disciplinary immunity • Insults and defamatory statements prohibited • Discretion • Receipt of gifts prohibited • Discretion in handling private data • Receipt of government contracts or concessions prohibited • Concurrent holding of office prohibited, with the exception of academic, research and charity positions 	
<ul style="list-style-type: none"> • General principles of labour law • Political neutrality 	

LITHUANIA

Seimas

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • Constitution of the Republic of Lithuania • Law No. VIII-371 on the Adjustment of Public and Private Interests in the Public Service of 2 June 1997 • Law No. X-816 on the Approval, entry into force and implementation of the code of conduct for state politicians of 19 September 2006 (NB : this code of conduct applies not only to MPs, but also to members of municipal councils, (deputy)mayors, members of the government, (deputy) chairmen of parliamentary parties - 'state politicians' • Statute of the Seimas (Rules of Procedure) 	<ul style="list-style-type: none"> • Standing Commission on Ethics and Procedures of the Seimas
Staff	<ul style="list-style-type: none"> • Law No. VIII-371 on the Adjustment of Public and Private Interests in the Public Service of 2 June 1997 • Law No. VIII-1316 on Civil Service of 8 July 1999 	<ul style="list-style-type: none"> • Secretary-General of the Seimas • Chief Institutional Ethics Commission
Lobbyist	Law No. VIII-1749 on lobbying activities of 27 June 2000	

www.lrs.lt

Principles	Distinctive features
<ul style="list-style-type: none"> • Each Seimas Member must avoid conflicts between his private interests and his duties to represent the interests of the public. He must also act in such a way that the public would not cast doubt about the existence of any such conflicts (Rules of Procedure, art.18) • Obligation to declare private interests • Obligation to declare financial interests and assets • Incompatibility with any other office in the public or private sector • Receipt of any remuneration prohibited, remuneration for creative activities excepted • MPs may not be held criminally liable, arrested nor may this freedom be otherwise restricted without the consent of the Seimas • Obligation to act with due respect for the rule of law 	
<ul style="list-style-type: none"> • Obligation to declare private interests • Obligation to declare financial interests and assets <p>Principles set forth in the Law on Civil Service :</p> <ul style="list-style-type: none"> • Respect for individuals and the State • Justice • Selflessness • Propriety • Impartiality • Responsibility • Publicity • Exemplariness • Honesty and professionalism • Act with due respect for the rule of law <ul style="list-style-type: none"> • Misuse of information and property acquired/supplied in the course of the performance of their duties 	

LUXEMBOURG

Chambre des Députés

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• Rules of Procedure of the Chamber of Deputies	No regulatory body as such <ul style="list-style-type: none">• President of the Chamber• Conference of Presidents
Staff	<ul style="list-style-type: none">• Criminal Code (Art. 240 regarding cases of bribery and corruption)	<ul style="list-style-type: none">• Bureau of the Chamber
Lobbyist	No	

www.chd.lu

Principles	Distinctive features
<ul style="list-style-type: none"> • Obligation to declare professional activities (paid or unpaid) • Obligation to declare any financial support 	
<ul style="list-style-type: none"> • Accepting bribes and making use of other financial interests prohibited 	
	<p>The Chamber of Deputies, a parliamentary committee or members of parliament may hear lobbies on their own initiative or at the latter's request.</p>

MALTA
Kamra Tad Deputati

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • Constitution • House of Representatives Ordinance on Privileges and Powers • Code of Ethics of Members of the House of Representatives (June 2005) 	<ul style="list-style-type: none"> • Parliament constitutes itself into a Supreme Court
Staff	<ul style="list-style-type: none"> • Public Service Management Code • Code of Ethics (Law on Public Administration, 27.2.2007) 	N/A
Lobbyist	N/A	N/A

<http://parliament.gov.mt>

Principles	Distinctive features
<ul style="list-style-type: none"> • Dignity • Any remuneration other than parliamentary remuneration prohibited • Obligation to declare his/her profession, financial interests, any participation to profit or non-profit organisation • Gifts prohibited 	
<ul style="list-style-type: none"> • Independence • Some limitations on freedom of speech • Gifts prohibited • Employment prohibited in the private sector after leaving the civil service if the position in the latter involves sensitive information in this field 	
<p>N/A</p>	<p>N/A</p>

NETHERLANDS

Tweede Kamer / Eerste Kamer

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• Law on compensation of members, 1968• Law on Incompatibilities States-General and European Parliament	<ul style="list-style-type: none">• Committee of the Integrity of the Kingdom• Self-regulation of institutions• Ordinary courts• Political parties supervision for misdemeanours which are not criminal in nature• Inland Revenue Office
Staff	<ul style="list-style-type: none">• No code of conduct in the strict sense• Public administration legislation• Special internal norms of the Chamber	<ul style="list-style-type: none">• Confidential Officer (internal)• Ombudsman (external complaints)• Ordinary courts
Lobbyist	No	

www.parlement.nl

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Integrity • Obligation to declare public or private work, paid or unpaid • Obligation to declare non-parliamentary income over a certain level 	
<ul style="list-style-type: none"> • Integrity • Transparency in relations with citizens 	
	<p>Lobbies may obtain passes providing access to Parliament, which are valid for between one day and one year. They may contact members of parliament, attend meetings and consult documents</p>

POLAND

Sejm / Senat

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• Principles of Deputies' Ethics (applicable only to the Sejm)• 1996 Act on the Exercise of the mandate of a Deputy or Senator	<ul style="list-style-type: none">• Deputies' Ethics Committee (applicable only to the Sejm)• Rules, Ethics and Senatorial Affairs Committee (applicable only to the Senate)• Presidium of the Sejm• Presidium of the Senate
Staff	No code of conduct in the strict sense <ul style="list-style-type: none">• 1982 Act on Employees of State Authorities (substantially revised since 1989)• Labour Code• Internal staff regulations of the Sejm	<ul style="list-style-type: none">• Chief of the Chancellery of the Sejm• Head of the Chancellery of the Senate
Lobbyist	Yes	

www.sejm.gov.pl / www.senat.gov.pl

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Respect for the rule of law • Obligation to declare financial interests • Obligation to notify any additional engagement (e.g. business activity) • Restrictions regarding undertaking any additional engagements • Obligation to declare any gift • Impartiality • Openness • Conscientiousness • Accountability • Regard for the good name of the Sejm 	
<ul style="list-style-type: none"> • Obligation to observe the rule of law and the principles of the Constitution • Obligation to declare financial interests • Incompatibility with other forms of employment without the consent of superiors • Strikes prohibited • Impartiality • Political neutrality • Discretion • Good management of public resources • Honesty 	
	<p>In 2005 Poland passed a law setting out framework rules governing lobbying, its supervision, the registration of professional lobbies and sanctions in the event of an infringement of the law</p>

PORTUGAL

Assembleia da Republica

Target group	Legal basis	Regulatory body
Members of Parliament	<p>No code of conduct in the strict sense</p> <ul style="list-style-type: none">• Members' Statute, 1993• Law 34/87, Crimes of Responsibility of Political Office holders	<ul style="list-style-type: none">• No single regulatory body• Ordinary courts for cases involving corruption
Staff	<ul style="list-style-type: none">• Code of Conduct for Public Service• Organic law of the Assembly• Internal Staff Regulation and Disciplinary Statute• Charter for Public Employment• Law 23/2011, May 20th, Parliamentary Staff Statute	<ul style="list-style-type: none">• Adoption of rules by staff unions and associations• Sanctions: Secretariat General of the Parliament• Appeals to the Supreme Administrative Court
Lobbyist	Information not available	

www.parlamento.pt

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Obligation to declare private income, property and holdings • Obligation to declare non-parliamentary work, private and public, paid or unpaid 	
<ul style="list-style-type: none"> • Legality • Responsibility • Integrity • Pursuit of public interest • Non-discrimination and courtesy with respect to citizens • Loyalty to the State and the rule of law 	
	Information not available

ROMANIA

Camera Deputatilor / Senatul

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none">• No code of conduct in the strict sense• Constitution• Law no.96/2006 on Deputies' and Senators' Statute• Law no.144/2007 on the National Agency for Integrity	<ul style="list-style-type: none">• General Assembly of the Chamber• National Agency for Integrity
Staff	<ul style="list-style-type: none">• No code of conduct for parliamentary civil servants in the strict sense• Law no.7/2006 on the statute of parliamentary civil servants• Law no.7/2004 on the code of conduct for civil servants• Law no.144/2007 on the National Agency for Integrity	<ul style="list-style-type: none">• National Agency for Civil Servants• National Agency for Integrity
Lobbyist	No regulation in force at present	

www.cdep.ro / www.senate.ro

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Obligation to declare financial interests • Immunity against investigation and arrest for criminal cases • Incompatibility with other public offices (e.g. President), except for members of the government • An MP cannot be a member of the Senate and the Chamber of Deputies at the same time • Ban on the use of the mandate for personal gain and publicity 	
<ul style="list-style-type: none"> • No political activity • Independence • Obligation to declare financial interests 	

SLOVAKIA
Národná rada

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • Constitution of the Republic of Slovakia • Constitutional Act No. 357/2004 Coll. on the Protection of Public Interest in the Exercise of Office by Public Officials 	<ul style="list-style-type: none"> • Committee on Incompatibility of Functions • Political Party
Staff	<ul style="list-style-type: none"> • Civil Service Act 	<ul style="list-style-type: none"> • The Head of the Chancellery of the National Council (to whom civil servants submit a declaration of property each year)
Lobbyist	N/A	N/A

www.nrsr.sk

Principles	Distinctive features
<ul style="list-style-type: none"> • Obligation to declare property and financial interests • Obligation to declare other employment or public office 	
<ul style="list-style-type: none"> • Confidentiality • Concurrent holding of positions, especially commercial ones, prohibited • Impartiality • Receipt of gifts prohibited • Abstain from behaviour that may lead to a conflict of interest or that may show political affiliation 	

SLOVENIA

Državni zbor

Target group	Legal basis	Regulatory body
Members of Parliament	<p>No code in the strict sense</p> <ul style="list-style-type: none"> • 1991 Constitution (art.82 : independence⁴¹, incompatibility; art. 83 : immunity, freedom of speech) • 2008 Criminal Code (chap. 26 : criminal offences against official duties and public authorisations) • 1992 Deputies Act • 2010 Integrity and prevention of corruption Act • 2002 Rules of procedure of the National Assembly (art. 75-80 on maintaining order at sessions) • Internal rules of the National Assembly 	<ul style="list-style-type: none"> • Corruption Prevention Commission (independent government body for integrity and suppression of corruption) • National Assembly (right to refuse immunity) • Commission for the Rules of Procedure • Commission for Public Office and Elections
Staff	<p>No code in the strict sense</p> <ul style="list-style-type: none"> • 2008 Criminal Code (chap. 26 : criminal offences against official duties and public authorisations) • 2010 Integrity and corruption prevention Act • 2002 Civil servants Act (some ethical principles) 	<ul style="list-style-type: none"> • Corruption Prevention Commission • Secretary-General of the National Assembly • Disciplinary Commission (appointed by Secretary-General)
Lobbyist	2010 Integrity and prevention of corruption Act	Corruption Prevention Commission

⁴¹ Deputies of the National Assembly are representatives of all the people and shall not be bound by any instructions (Constitution, Art. 82)

www.dz-rs.si

Principles	Distinctive features
<ul style="list-style-type: none"> • Independence • Incompatibility • Freedom of speech • Acceptance of gifts • Duty to report assets and changes in the assets 	<p>Several draft codes of conduct have been prepared, but they have not been adopted</p>
<ul style="list-style-type: none"> • Constitution (art. 42; e.g.: professional members of the defence forces and of the police may not belong to political parties) • 2002 Civil servants Act legality, professionalism, honourable conduct, confidentiality, responsibility for results, diligence, protection of professional interests, political neutrality and impartiality 	<p>The draft code exists but has not been adopted</p>
	<p>The Act purports to supervise lobbying activities. It also provides regulation on various other subjects pertaining to lobbyists, a.o.: association, registration, reporting, identification, sanctions</p>

SPAIN

Congreso de los Diputados / Senado

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • Rules of Procedure of the Congress and of the Senate • Institutional Act 5/1985 on electoral regulation • Joint resolution of the Congress and the Senate regarding registration of interests, 1995 • Penal Code (currently modified regarding cases of corruption) • Act 5/2006 on conflicts of interest by members of the government and high-ranking officials of the state administration • 2009 Joint resolution of the Congress and the Senate on the registration of interests <p>* A Bill for the approval of an Organic Act on Principles and Measures against Corruption and for the Transparency in Public Management has been introduced by the government that would modify the law strengthening transparency and the incompatibilities regime</p>	<ul style="list-style-type: none"> • Committee on the Status of Deputies • Committee on Incompatibilities • Specialised anti-fraud and anti-corruption units within the State Legal Department • Special Prosecutor for financial offences (bribery)
Staff	<ul style="list-style-type: none"> • No Code of Conduct in the strict sense • Regulation of the staff of the Courts 	<ul style="list-style-type: none"> • Bureau of the Congress or Senate • Secretaries-General of the Chambers, depending on the issues involved
Lobbyist	No regulation in force	

www.congreso.es / www.senado.es

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech guaranteed • Incompatibility with other functions • Abusing MP status for private activities prohibited • Declaration of financial and non-financial interests and of property • Respect for the rule of law 	
<ul style="list-style-type: none"> • Respect for Constitution and legislation • Political impartiality • Incompatibility with other commercial or political activities 	

SWEDEN

Riksdagen

Target group	Legal basis	Regulatory body
Members of Parliament	No Code of Conduct in the strict sense <ul style="list-style-type: none">• Act on the registration of MP's commitments and financial interests, 1996• Riksdag Act	No regulatory body as such
Staff	No Code of Conduct in the strict sense <ul style="list-style-type: none">• Public Service Rules• Employment Collective Agreements	<ul style="list-style-type: none">• Secretary General of the Riksdag
Lobbyist	No regulation in force	

www.riksdagen.se

Principles	Distinctive features
<ul style="list-style-type: none"> • Promotion of democratic values, fundamental freedoms and rule of law • Non-discrimination • Freedom of speech guaranteed • Obligation to declare contractual and financial interests • MPs' participation in debates in which they have a personal interest is prohibited 	
<ul style="list-style-type: none"> • Promotion of democratic values, fundamental freedoms and the rule of law • Respect for the principles of non-discrimination (gender, minorities) liberty and individual dignity • Respect for social and environmental rights 	
	N/A

UNITED KINGDOM

House of Commons / House of Lords

Target group	Legal basis	Regulatory body
Members of Parliament	<ul style="list-style-type: none"> • Code of Conduct and Guide to the Rules relating to the Conduct of Members, 23 June 2009 updated May 2010 for ethical conduct • House of Commons disqualification Act (1975) amended by the Disqualification Act (2000) for incompatibilities • Code of Conduct for Members of the House of Lords and Guide to the Code of Conduct, adopted by resolution on 30 November 2009, and amended 30 March 2010 	<p>House of Commons</p> <ul style="list-style-type: none"> • Parliamentary Standards Act 2009 institutes the Independent Parliamentary Standards Authority (IPSA) and the Compliance Officer • Committee on Standards and Privileges <p>House of Lords</p> <ul style="list-style-type: none"> • Commissioner for Standards, June 2010 • Committee for Privileges and Conduct <p>For all holders of public offices</p> <ul style="list-style-type: none"> • Committee on Standards in Public Life (1994) • High Court of Session; High Court of Justice (for incompatibility cases)
Staff	<p>House of Commons</p> <ul style="list-style-type: none"> • Staff Handbook, December 2009 <p>House of Lords</p> <ul style="list-style-type: none"> • Staff Handbook, 2008 (chapter 12) and Disciplinary Code 	<ul style="list-style-type: none"> • Committee on Standards in Public Life
Lobbyist	No	

www.parliament.uk

Principles	Distinctive features
<ul style="list-style-type: none"> • Freedom of speech • Selflessness; • Integrity; • Objectivity; • Accountability; • Openness; • Honesty; • Leadership • Obligation to declare financial and non-financial interests • Receipt of financial benefits for raising questions in Parliament prohibited • Incompatibility with other public/private functions (House of Lords peers, judges) • Incompatibility caused by a criminal record (bankruptcy, corruption) 	
<ul style="list-style-type: none"> • Loyalty • Impartiality • Disclosure of confidential information prohibited • Strict limitation on acceptance of gifts • Proper management of financial interests 	
	<p>On 22 May 2008 Mr Michael Meacher, Member of the House of Commons and former United Kingdom Environment Minister, tabled an Early Day Motion (EDM) calling for transparency in lobbying, which was signed by over 130 members of parliament. On 5 November 2008 the British Public Administration Select Committee and the Alliance for Lobbying Transparency organised a hearing on lobbying in the House of Commons. The government elected in 2010 has announced intentions to proceed with a statutory register of lobbyists, but no bill to that effect has yet been introduced into parliament.</p>

UNITED STATES CONGRESS

House of Representatives / Senate

Target group	Legal basis	Regulatory body
Members of Congress (Senior) Congressional employees	<p>House</p> <ul style="list-style-type: none"> Code of Official Conduct of the House <ul style="list-style-type: none"> Rules 23-27 of the 112th House Rules of Procedure House Ethics Manual <p>Senate</p> <ul style="list-style-type: none"> Code of Official Conduct of the Senate <ul style="list-style-type: none"> Rules 34-43 of the 112th Senate Rules of Procedure Senate Ethics Manual <p>House and Senate Codes significantly tightened by the 2007 Honest Leadership and Open Government Act Code of Ethics for Government</p> <p>US Criminal Code</p>	<p>Ethics Committees of House and Senate : act on the basis of complaints files or on their own initiative</p> <p>House</p> <ul style="list-style-type: none"> House Ethics Committee <p>Senate</p> <ul style="list-style-type: none"> Select Committee on Ethics <p>Office of Congressional Ethics (2008) : receives independent complaints from US citizens</p> <p>Disciplinary process : On basis of their own investigations, Ethics Committees of House and Senate vote to recommend, or not, a sanction, the full chamber having the final say.</p> <p>Disciplinary sanctions include internal penalties (reprimand, censure, expulsion, fines, monetary restitution, suspension or loss of privileges) and can be complementary to additional criminal sanctions imposed by federal and state courts</p>
Lobbyists	<p>1995 Lobbying Disclosure Act</p> <ul style="list-style-type: none"> Obligation to register no later than 45 days after first lobbying contact Non-compliance liable to criminal prosecution 	<p>House</p> <p>Clerk of the House</p> <p>Senate</p> <p>Secretary of the Senate</p>

www.congress.org

Principles	Distinctive features
<p>Outside employment requirements : significant restrictions on Members and senior staff</p> <p>Post-employment requirements ('revolving doors') : restrictions for Members and senior staff</p> <p>Conflict of interest : Voting by Members discouraged when personal and pecuniary interests are involved</p> <p>Gifts : acceptance prohibited for gifts from registered lobbyists and foreign agents and amounting to more than US\$ 50</p> <p>Events attendance : regulated in accordance with character of event</p> <p>Travel: significant restriction on travel expenses paid by private sources (including lobbyists) and foreign agents</p> <p>Financial information : mandatory financial disclosure statements, to be filed annually, reviewed by House and Senate Ethics Committees and published on Internet</p>	<p>The codes of conduct of House and Senate are not intended to supersede other ethics laws - Code of Ethics for Government, US Criminal Code - but to complement them</p> <p>House and Senate Codes of Conduct are very similar and establish ethical rules that Members of Congress and all types of Congressional employees must comply with</p>
<p>Information to be disclosed :</p> <ul style="list-style-type: none"> • Initially : Lobbying Registration Form requiring submission of comprehensive details on registrant • Follow-on activities reports : quarterly Lobbying Report Form, semi-annual report disclosing political campaign contributions <p>All registration and disclosure reports to be made available on Internet by the Clerk of the House and the Secretary of the Senate</p>	<p>No specific code of conduct for lobbyists, but obligation for lobbyists to register with Congress</p> <p>House and Senate maintain common register of all federal lobbyists : the US Lobbying Disclosure Register</p> <p>Lobbying registration is not a requirement for accessing Congressional buildings : no entry passes required</p> <p>Around 13,000 registered lobbyists in 2011</p>

ANNEX 2: CODE OF CONDUCT FOR MEMBERS OF THE EUROPEAN PARLIAMENT WITH RESPECT TO FINANCIAL INTERESTS AND CONFLICTS OF INTEREST

Article 1 – Guiding principles

In exercising their duties, Members of the European Parliament:

- (a) are guided by and observe the following general principles of conduct: disinterest, integrity, openness, diligence, honesty, accountability and respect for Parliament's reputation,
- (b) act solely in the public interest and refrain from obtaining or seeking to obtain any direct or indirect financial benefit or other reward.

Article 2 – Main duties of Members

In exercising their duties, Members of the European Parliament shall:

- (a) not enter into any agreement to act or vote in the interest of any other legal or natural person that would compromise their voting freedom, as enshrined in Article 6 of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage and Article 2 of the Statute for Members of the European Parliament,
- (b) not solicit, accept or receive any direct or indirect financial benefit or other reward in exchange for influencing, or voting on, legislation, motions for a resolution, written declarations or questions tabled in Parliament or any of its committees, and shall consciously seek to avoid any situation which might imply bribery or corruption.

Article 3 – Conflicts of interest

1. A conflict of interest exists where a Member of the European Parliament has a personal interest that could improperly influence the performance of his or her duties as a Member. A conflict of interest does not exist where a Member benefits only as a member of the general public or of a broad class of persons.
2. Any Member who finds that he or she has a conflict of interest shall immediately take the necessary steps to address it, in accordance with the principles and provisions of this Code of Conduct. If the Member is unable to resolve the conflict of interest, he or she shall report this to the President in writing. In cases of ambiguity, the Member may seek advice in confidence from the Advisory Committee on the Conduct of Members, established under Article 7.
3. Without prejudice to paragraph 2, Members shall disclose, before speaking or voting in plenary or in one of Parliament's bodies, or if proposed as a rapporteur, any actual or potential conflict of interest in relation to the matter under consideration, where such conflict is not evident from the information

declared pursuant to Article 4. Such disclosure shall be made in writing or orally to the chair during the parliamentary proceedings in question.

Article 4 – Declaration by Members

1. For reasons of transparency, Members of the European Parliament shall be personally responsible for submitting a declaration of financial interests to the President by the end of the first part-session after elections to the European Parliament (or within 30 days of taking up office with the Parliament in the course of a parliamentary term), in accordance with a form to be adopted by the Bureau pursuant to Article 9. They shall notify the President of any changes that have an influence on their declaration within 30 days of each change occurring.
2. The declaration of financial interests shall contain the following information, which shall be provided in a precise manner:
 - (a) the Member's occupation(s) during the three-year period before he or she took up office with the Parliament, and his or her membership during that period of any boards or committees of companies, non-governmental organisations, associations or other bodies established in law,
 - (b) any salary which the Member receives for the exercise of a mandate in another parliament,
 - (c) any regular remunerated activity which the Member undertakes alongside the exercise of his or her office, whether as an employee or as a self-employed person,
 - (d) membership of any boards or committees of any companies, non-governmental organisations, associations or other bodies established in law, or any other relevant outside activity that the Member undertakes, whether the membership or activity in question is remunerated or unremunerated,
 - (e) any occasional remunerated outside activity (including writing, lecturing or the provision of expert advice), if the total remuneration exceeds EUR 5 000 in a calendar year,
 - (f) any holding in any company or partnership, where there are potential public policy implications or where that holding gives the Member significant influence over the affairs of the body in question,
 - (g) any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to the Member in connection with his or her political activities by third parties, whose identity shall be disclosed,
 - (h) any other financial interests which might influence the performance of the Member's duties.

Any regular income Members receive in respect of each item declared in accordance with the first subparagraph shall be placed in one of the following categories:

- EUR 500 to EUR 1 000 a month;
- EUR 1 001 to EUR 5 000 a month;
- EUR 5 001 to EUR 10 000 a month;
- more than EUR 10 000 a month.

Any other income Members receive in respect of each item declared in accordance with the first subparagraph shall be calculated on an annual basis, divided by twelve and placed in one of the categories set out in the second subparagraph.

3. The information provided to the President in line with this Article shall be published on Parliament's website in an easily accessible manner.
4. Members may not be elected as office-holders of Parliament or of one of its bodies, be appointed as a rapporteur or participate in an official delegation, if they have not submitted their declaration of financial interests.

Article 5 – Gifts or similar benefits

1. Members of the European Parliament shall refrain from accepting, in the performance of their duties, any gifts or similar benefits, other than those with an approximate value of less than EUR 150 given in accordance with courtesy usage or those given to them in accordance with courtesy usage when they are representing Parliament in an official capacity.
2. Any gifts presented to Members, in accordance with paragraph 1, when they are representing Parliament in an official capacity shall be handed over to the President and dealt with in accordance with implementing measures to be laid down by the Bureau pursuant to Article 9.
3. The provisions of paragraphs 1 and 2 shall not apply to the reimbursement of travel, accommodation and subsistence expenses of Members, or to the direct payment of such expenses by third parties, when Members attend, pursuant to an invitation and in the performance of their duties, at any events organised by third parties.

The scope of this paragraph, in particular the rules designed to ensure transparency, shall be specified in the implementing measures to be laid down by the Bureau pursuant to Article 9.

Article 6 – Activities of former Members

Former Members of the European Parliament who engage in professional lobbying or representational activities directly linked to the European Union decision-making process may not, throughout the period in which they engage in those activities, benefit from the facilities granted to former Members under the rules laid down by the Bureau to that effect.⁴²

Article 7 – Advisory Committee on the Conduct of Members

1. An Advisory Committee on the Conduct of Members ('the Advisory Committee') is hereby established.
2. The Advisory Committee shall be composed of five members, appointed by the President at the beginning of his or her term of office from amongst the members of the bureaux and the coordinators of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.

Each member of the Advisory Committee shall serve as chair for six months on a rotating basis.

3. The President shall also, at the beginning of his or her term of office, nominate reserve members for the Advisory Committee, one for each political group not represented in the Advisory Committee.

⁴² Bureau Decision of 12 April 1999.

In the event of an alleged breach of this Code of Conduct by a member of a political group not represented in the Advisory Committee, the relevant reserve member shall serve as a sixth full member of the Advisory Committee for the purposes of investigation of that alleged breach.

4. Upon request by a Member, the Advisory Committee shall give him or her, in confidence and within 30 calendar days, guidance on the interpretation and implementation of the provisions of this Code of Conduct. The Member in question shall be entitled to rely on such guidance.

At the request of the President, the Advisory Committee shall also assess alleged breaches of this Code of Conduct and advise the President on possible action to be taken.

5. The Advisory Committee may, after consulting the President, seek advice from outside experts.
6. The Advisory Committee shall publish an annual report of its work.

Article 8 – Procedure in the event of possible breaches of the Code of Conduct

1. Where there is reason to think that a Member of the European Parliament may have breached this Code of Conduct, the President may refer the matter to the Advisory Committee.
2. The Advisory Committee shall examine the circumstances of the alleged breach, and may hear the Member concerned. On the basis of the conclusions of its findings, it shall make a recommendation to the President on a possible decision.
3. If, taking into account that recommendation, the President concludes that the Member concerned has breached the Code of Conduct, he shall, after hearing the Member, adopt a reasoned decision laying down a penalty, which he shall notify to the Member.

The penalty may consist of one or more of the measures listed in Rule 153(3) of the Rules of Procedure.⁴³

4. The internal appeal procedures defined in Rule 154 of the Rules of Procedure shall be open to the Member concerned.
5. After the expiry of the time-limits laid down in Rule 154 of the Rules of the Procedure, any penalty imposed on a Member shall be announced by the President in plenary and prominently published on Parliament's website for the remainder of the parliamentary term.

Article 9 – Implementation

The Bureau shall lay down implementing measures for this Code of Conduct, including a monitoring procedure, and shall update the amounts referred to in Articles 4 and 5, when necessary.

It may bring forward proposals for revision of this Code of Conduct.

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- 43 (a) a reprimand;
(b) forfeiture of entitlement to the daily subsistence allowance for a period of between two and ten days;
(c) without prejudice to the right to vote in plenary, and subject, in this instance, to strict compliance with the Members' standards of conduct, temporary suspension from participation in all or some of the activities of Parliament for a period of between two and ten consecutive days on which Parliament or any of its bodies, committees or delegations meet;
(d) submission to the Conference of Presidents, in accordance with Rule 19, of a proposal for the Member's suspension or removal from one or more of the elected offices held by the Member in Parliament.

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There exists a fair amount of literature on parliamentary codes of conduct, but it is scattered over a variety of publications, many of which deal with other issues as well. Parliamentary secretariats as well as inter-parliamentary organs devote sometimes detailed discussions to codes of conduct. International organisations and think tanks also pay attention to codes of conduct, not only in a parliamentary context but also in connection with related topics such as public administration, development aid, anti-corruption strategies and lobbying. Codes of conduct are the subject of dissertations and other studies, often based on a comparative approach. Finally, the theme of codes of conduct regularly surfaces in the media in their reporting on events affecting national and international political life. The list below provides only a sample of the wider literature on codes of conduct, but nevertheless is thought to offer a useful introduction to the subject.

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