

CODES OF CONDUCT IN NATIONAL PARLIAMENTS: TRANSPARENCY

As elected representatives of their voters, politicians are supposed to act as role models in fulfilling their tasks as policy-makers. However, scandals demonstrating a lack of integrity on the part of politicians diminish public trust in them. This was certainly the case, for example, when three members of the European Parliament were shown to be willing to propose law amendments for money in March 2011.¹ To restore and enhance public trust, the European Parliament and most national parliaments have introduced or expanded codes of conduct. These codes mostly tackle questions regarding their members, but often also cover parliamentary officials (staff) and lobbyists. As far as members of parliament are concerned, the principles of the codes deal with topics ranging from ineligibility to incompatibility, independence, transparency and fighting fraud and corruption, as well as sanctions.

A core principle of most codes of conduct is to safeguard and facilitate transparency of all kinds.

Table 1 summarizes the principles of codes of conduct for parliamentarians regarding transparency in Europe and the United States. Most codes aim to provide a clear view of all outside financial interests of officials. To this end, parliamentarians in some countries have to provide information on their income situation (e.g., Ireland, Denmark), on their professional activities (e.g., Luxemburg, Germany), on any property owned (e.g., Belgium and Portugal) and on any company stock owned (e.g., United Kingdom). Furthermore, transparency principles may include rules that concern private employment. While the declaration of non-parliamentary activities is voluntary, for example, in Finland, it is mandatory in other countries. In Austria and in the Slovak Republic, for example, parliamentarians have to declare employment related information like directorships, administrative positions or contracts with commercial companies. In some countries, moreover, legislation regulates that gifts have to be declared. In Germany, for instance, gifts with a value

exceeding EUR 5,000 must be declared. In other countries like Malta gifts are completely prohibited.

Another important matter addressed by codes of conduct concerning transparency is conflicts of interests. Some countries only require the revelation of any potential conflicts of interest (e.g. Bulgaria, Germany). Others like Finland have stricter legislation whereby parliamentarians are also prohibited from participating in considerations and decision-making in matters concerning them personally should there be a conflict of interests. Another challenging issue dealt with differently across Europe is whether, and if so, how much of the information provided is to be made public. In some countries access is restricted to protect the privacy of the parliamentarians concerned (e.g. Hungary, Poland). However, many other countries grant access to such information on the grounds of public interest.

The current legislation of codes of conduct in EU member states and elsewhere is constantly changing. Many countries are currently reviewing their regulations to optimize the environment for sound policy-making. In view of constant public scrutiny further changes are to be expected.

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Reference

EurActiv (2012), Verstöße gegen Verhaltenskodex im EU-Parlament, <http://www.euractiv.de/wahlen-und-macht/artikel/verste-gegen-verhaltenskodex-im-eu-parlament-006565>.

European Parliament (2011), Parliamentary "Ethics, A Question of Trust", Office for Promotion of Parliamentary Democracy (OPPD), Brussels, 32–91.

¹ EurActiv (2012) Verstöße gegen Verhaltenskodex im EU-Parlament, <http://www.euractiv.de/wahlen-und-macht/artikel/verste-gegen-verhaltenskodex-im-eu-parlament-006565>.

Table 1

Principles of Codes of Conduct for Parliamentarians regarding Transparency

	Principles regarding Transparency		Principles regarding Transparency
Austria	<ul style="list-style-type: none"> • Obligation to declare private employment. • Limited transparency of activities. 	Luxembourg	<ul style="list-style-type: none"> • Obligation to declare professional activities (paid or unpaid). • Obligation to declare any financial support.
Belgium	<ul style="list-style-type: none"> • Limitations to concurrent sources of public incomes (1.5x parliamentary salary) • Registration of property. 	Malta	<ul style="list-style-type: none"> • 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.
Bulgaria	<ul style="list-style-type: none"> • Obligation to declare financial interests. • Obligation to reveal and to avoid conflicts of interest. 	Netherlands	<ul style="list-style-type: none"> • Obligation to declare public or private work, paid or unpaid. • Obligation to declare non-parliamentary income over a certain level.
Czech Republic	<ul style="list-style-type: none"> • Presentation of notifications of personal interest, activities, assets, income, gifts and liabilities (chapter 4 of the law on conflict of interest). 	Poland	<ul style="list-style-type: none"> • Obligation to declare financial interests. • Obligation to notify any additional engagement (e.g. business activity). • Obligation to declare any gift.
Denmark	<ul style="list-style-type: none"> • Transparency vis-à-vis the public. • Obligation to declare income and financial interests. 	Portugal	<ul style="list-style-type: none"> • Obligation to declare private income, property and holdings. • Obligation to declare non-parliamentary work, private and public, paid or unpaid.
Estonia	<ul style="list-style-type: none"> • Obligation to declare economic interests. • Other public offices or board membership of commercial companies prohibited. 	Romania	<ul style="list-style-type: none"> • Obligation to declare financial interests. • Ban on the use of the mandate for personal gain and publicity.
Finland	<ul style="list-style-type: none"> • Voluntary declaration of non-parliamentary activities, paid or unpaid, and financial interests. • Transparency with regard to parliamentary behaviour. • Conflict of interest: disqualification from consideration of and decision-making in matters pertaining to him/her personally. 	Slovenia	<ul style="list-style-type: none"> • Acceptance of gifts. • Duty to report assets and changes in the assets.
Germany	<p>Bundestag</p> <ul style="list-style-type: none"> • Obligation to declare gifts with a value exceeding EUR 5,000. • 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 5,000 EUR; Donations exceeding 10,000 EUR in 1 calendar year shall be published by the president, with the amount and origin stated. <p>Bundesrat (German Federal Council)</p> <p>Obligation to declare gifts exceeding EUR 10 in value, or EUR 25 in value for employees with representative duties.</p>	Slovak Republic	<ul style="list-style-type: none"> • Obligation to declare property and financial interests. • Obligation to declare other employment or public office.
Hungary	<ul style="list-style-type: none"> • Obligation for MPs to declare economic interests, incomes and property. 	Spain	<ul style="list-style-type: none"> • Abusing MP status for private activities prohibited. • Declaration of financial and non-financial interests and of property.

Table continued

	Principles regarding Transparency		Principles regarding Transparency
Ireland	<ul style="list-style-type: none"> Members are guided by the public good at all times and never by any private or personal interest. <p>As such all members must:</p> <ul style="list-style-type: none"> Provide an annual statement of interests that can be registered 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 that 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. Interact with the administration and law enforcement authorities consistent with 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). 	Sweden	<ul style="list-style-type: none"> Obligation to declare contractual and financial interests. MPs' participation in debates in which they have a personal interest is prohibited.
Italy	<ul style="list-style-type: none"> Obligation to declare gifts. Obligation to declare property and expenses and contractual obligations for election campaigns. 	United Kingdom	<ul style="list-style-type: none"> Obligation to declare financial and nonfinancial interests Receipt of financial benefits for raising questions in Parliament prohibited.
Latvia	<ul style="list-style-type: none"> Obligation to declare financial interests Receipt of gifts prohibited Discretion in handling private data Receipt of government contracts or concessions prohibited 	United States	<ul style="list-style-type: none"> Conflict of interest: Voting by Members discouraged when personal and pecuniary interests are involved. Gifts: acceptance prohibited for gifts from registered lobbyists and foreign agents and amounting to more than USD 50. Events attendance: regulated in accordance with character of event. Travel: significant restriction on travel expenses paid by private sources (including lobbyists) and foreign agents. Financial information: mandatory financial disclosure statements, to be filed annually, reviewed by House and Senate Ethics Committees and published on Internet. <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>
Lithuania	<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. Receipt of any remuneration prohibited, remuneration for creative activities excepted. 		

Source: European Parliament (2011).