

**IMPLEMENTING MEASURES FOR THE CODE OF CONDUCT  
FOR MEMBERS OF THE EUROPEAN PARLIAMENT WITH  
RESPECT TO FINANCIAL INTERESTS AND CONFLICTS OF  
INTEREST**

**BUREAU DECISION**

**OF 15 APRIL 2013**

**Chapters:**

1. Gifts received in an official capacity
2. Invitations to events organised by third parties
3. Monitoring procedure
4. Final provisions

THE BUREAU OF THE EUROPEAN PARLIAMENT,

Having regard to the Rules of Procedure of the European Parliament, and in particular Rule 9(1) thereof,

Having regard to Annex I to those Rules (hereinafter "the Code of Conduct"), and in particular Articles 5(2) and (3) and 9 thereof,

Whereas:

- (1) Article 5(2) of the Code of Conduct allows Members representing Parliament in an official capacity to accept and subsequently handover gifts of a higher value than the threshold laid down in Article 5(1);
- (2) It is necessary to determine the procedure whereby Members hand over to the President gifts presented to them when they are representing Parliament in an official capacity, in accordance with Article 5(2) of the Code of Conduct;
- (3) Provision should be made for the possibility that, in duly substantiated cases, the President may decide that a gift may be temporarily retained by the Member to whom the gift was presented;
- (4) It should be possible to display gifts of artistic or cultural value on Parliament's premises;
- (5) It should be possible for Members who have accepted, in good faith a gift the value of which subsequently proves to be greater than the threshold laid down in Article 5(1) of the Code of Conduct, to rectify this irregularity by handing the gift over to the President;

- (6) It should be possible to apply these Measures also to Members exercising certain functions on behalf of political groups;
- (7) In the interests of transparency, a publicly accessible register of gifts should be kept;
- (8) The scope of Article 5(3) of the Code of Conduct, and the rules designed to ensure transparency, need to be determined for the cases of reimbursement of travel, accommodation and subsistence expenses of Members, or 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;
- (9) One of the overall objectives of the Code of Conduct is to ensure that Members disclose their attendance at all events where there is a certain potential risk that they may be unduly influenced in the performance of their duties;
- (10) The risk of Members being unduly influenced in the performance of their duties can, in principle, be excluded where the third party paying the expenses represents a public or similar interest. A list of third parties representing a public or similar interest should be drawn up, based on the Agreement between the European Parliament and the European Commission on the establishment of a transparency register for organisations and self-employed persons engaged in EU policy-making and policy implementation<sup>1</sup>. That list should be correspondingly updated in the event of changes to the aforementioned Agreement;
- (11) In order to ensure transparency in accordance with Article 5(3) of the Code of Conduct, Members should make a declaration of their attendance at events organised by third parties within the time limits laid down in these Measures;
- (12) A monitoring procedure has to be established in accordance with Article 9 of the Code of Conduct,

HAS ADOPTED THESE IMPLEMENTING MEASURES:

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<sup>1</sup> OJ L 191, 22.7.2011, p. 29.

## Chapter 1

### GIFTS RECEIVED IN AN OFFICIAL CAPACITY

#### *Article 1*

##### *Definitions and scope*

1. For the purposes of Article 5(2) of the Code of Conduct:
  - (a) a "gift" shall mean any distinct material object(s) consisting of one or more parts given to a Member at one occasion by one donor;
  - (b) a Member represents Parliament in an official capacity if he or she:
    - is acting in one of the functions referred to in Rule 19 of the Rules of Procedure; or
    - is representing Parliament, on behalf of the President pursuant to Rule 20(4) of the Rules of Procedure in international relations or on ceremonial occasions; or
    - is representing a committee or an interparliamentary delegation on an official mission authorised by the Conference of Presidents or the Bureau,
2. This Chapter shall also apply to a Member exercising a function, assimilated to the functions mentioned under point (b) of paragraph 1, in a political group which by published decision has committed to be bound by these Measures.

#### *Article 2*

##### *Notification, handover and retention of gifts by Members*

1. Any Member representing Parliament in an official capacity in accordance with Article 1 shall, by the last day of the next month following the date of receipt of any gift, notify the President of such receipt, in particular by specifying the name of the donor of the gift, the date of its receipt and the capacity in which he or she received it, and by providing a description of the gift and an indication of its value as estimated by the recipient. That information shall be provided using the form in Annex I.
2. On behalf of the President, the competent service shall inform the Member of the place where the gift is to be handed over in compliance with the Members' obligation under Article 5(2) of the Code of Conduct.

3. By way of exception, the Member may permanently retain the gift provided that its value, as estimated by the Member, is below the threshold laid down in Article 5(1) of the Code of Conduct and the gift has no obvious immaterial value for Parliament. In such cases, the gift shall become the property of the Member. In cases of doubt, the Member may submit the gift for an estimation of its value by the competent service, which may if necessary have recourse to an independent expert.
4. If the value of the gift as estimated by the competent service exceeds the threshold laid down in Article 5(1) of the Code of Conduct, Article 3 of these Measures shall apply.

### *Article 3*

#### *Storage and display of gifts*

1. The competent service shall administer the gifts.
2. Gifts shall be stored on Parliament's premises.
3. By way of exception to paragraph 2, gifts of artistic or cultural value may, pursuant to a decision by the President following a recommendation from the Quaestors issued after obtaining the opinion of the Artistic Committee, be displayed in a suitable location on Parliament's premises.
4. By way of exception to paragraph 2 and at the written request of the Member to whom the gift was presented, the President may in duly substantiated cases decide that the Member shall be permitted to display the gift in his or her office on Parliament's premises for as long as he or she continues to serve in the official capacity in which he or she received the gift.
5. The Quaestors may instruct the competent service on the use of any gifts which are the property of Parliament. Members shall be entitled to participate in public tender procedures organised for the sale of any such gifts.

### *Article 4*

#### *Register of gifts*

1. The competent service shall keep a register of gifts which are the property of Parliament.
2. The register shall include the information to be provided pursuant to Article 2(1). It shall also include a photograph of the gift and, where relevant, indicate the location in which it is displayed pursuant to Article 3(3) and (4), and shall be updated to reflect any instructions given pursuant to Article 3(5).

3. The register shall be published on Parliament's website in an easily accessible manner.

#### *Article 5*

##### *Rectification clause*

Whenever a Member who has accepted a gift in good faith becomes aware that its value exceeds the threshold laid down in Article 5(1) of the Code of Conduct, he or she shall at the earliest opportunity make a notification in accordance with Article 2(1) of these Measures, and shall deposit the gift with the competent service, if he or she is unable, for reasons of courtesy, to return the gift to the donor.

### **Chapter 2**

#### **INVITATIONS TO EVENTS ORGANISED BY THIRD PARTIES**

#### *Article 6*

##### *Scope*

1. Members shall disclose their attendance at events organised by third parties where the reimbursement of their travel, accommodation, or subsistence expenses, or the direct payment of such expenses, is covered by a third party.
2. Members attending events organised by third parties shall be exempt from the obligation of disclosure if the third party paying or reimbursing the expenses belongs to one of the following categories:
  - institutions, bodies, offices and agencies of the European Union;
  - recognised international organisations (e.g. the United Nations and its bodies, the Council of Europe);
  - central, local, regional and municipal authorities of the Member States except where the authority acts as representative of a public undertaking as defined in Article 2(b) of Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings<sup>2</sup> (e.g. an enterprise active in the field of public services providing energy or transport);
  - political parties and foundations, including political parties and foundations at European level receiving financing under Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules

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<sup>2</sup> OJ L 318, 17.11.2006, p. 17.

- regarding their funding<sup>3</sup>, with the exception of any organisations created or supported by them which are engaged in lobbying activities;
- social partners as participants in the social dialogue (trade unions, employers' associations, etc.) when performing the role assigned to them in the Treaties;
  - churches and religious communities (in particular, their authorities), with the exception of the representative offices or legal entities, offices and networks created to represent them in their dealings with the Union institutions, and of their associations.
3. Where no travel, accommodation or subsistence expense has been paid or reimbursed, but only the cost of a meal, an entrance ticket or similar, the value of which is below the threshold laid down in Article 5(1) of the Code of Conduct, the obligation of disclosure shall not apply.
  4. Where the Bureau or the Conference of Presidents has authorised a delegation, whose members' expenses are paid or reimbursed in full or in part by third parties, the obligation of disclosure shall not apply.

#### *Article 7*

##### *Declaration*

1. A declaration pursuant to Article 6(1) shall contain the following information:
  - (a) the name, function and address of the third party that paid or reimbursed the expenses of the Member;
  - (b) the type of expenses paid or reimbursed (travel, accommodation and/or subsistence expenses) and whether they have been paid or reimbursed in full or in part;
  - (c) the nature and venue of the event, and the dates and duration of the Member's attendance;
  - (d) the programme of the event.
2. Any Member wishing to add further information shall be entitled to do so.
3. The declaration shall be made using the form in Annex II.
4. The information provided pursuant to Article 6(1) and this Article shall be published on Parliament's website in an easily accessible manner.

#### *Article 8*

##### *Deadline*

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<sup>3</sup> OJ L 297, 15.11.2003, p. 1.

Members shall submit their declaration pursuant to Article 6(1) and Article 7 by no later than the last day of the next month following the final day of the Member's attendance at the event.

### **Chapter 3**

#### **MONITORING PROCEDURE**

##### *Article 9*

##### *Monitoring procedure*

In accordance with Article 4 of the Code of Conduct, Members are personally responsible for submitting to the President a declaration containing information provided in a precise manner.

Where there is reason to think that a declaration contains manifestly erroneous, flippant, illegible or incomprehensible information, the competent service shall, on behalf of the President, perform a general plausibility check for clarification purposes within a reasonable time-limit, thereby giving the Member the possibility to react. Where such a check does not clarify and thus resolve the matter, the President shall take a decision on further proceedings in accordance with Article 8 of the Code of Conduct.

### **Chapter 4**

#### **FINAL PROVISIONS**

##### *Article 10*

##### *Entry into force*

These Measures shall enter into force on 1 July 2013 and shall apply as from that date.

##### *Article 11*

##### *Implementation*

The Secretary-General shall ensure that these Measures are implemented. Their technical implementation and their functionality shall be assessed one year after their entry into force.