



Emily O'Reilly

European Ombudsman

Ms Roberta Metsola  
President of the European Parliament

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Strasbourg, 20/03/2024

Complaint 2299/2023/MIK

Decision in the above case on how the European Parliament handled two complaints about alleged conflicts of interest of two MEPs (2299/2023/MIK)

Dear President,

Thank you for informing me about your replies to the complainants of 17 January and 6 February 2024. I appreciate that you replied promptly, that members of your office had engaged with the complainants beforehand, provided them with extensive information about the reform of the Parliament's ethics framework, and held a dedicated meeting to address their queries.

In this case, the complainants requested information about how their complaints concerning potential conflicts of interest of two MEPs were handled. In particular, they wished to know whether you referred these complaints to the Advisory Committee for the Code of Conduct.

In your replies, you informed the complainants that you were not in a position to provide information about individual cases. You explained that, in line with the framework applicable at the time of handling the complaints and the practice existing at the time, the Advisory Committee worked based on internal referrals by the President. Such referrals remained undisclosed to the public to avoid harm to the MEPs concerned in case of unsubstantiated allegations.

As the Parliament has recently reformed its ethics framework to reinforce the ethics and transparency duties of MEPs, I find that further inquiries into this case would not be justified as the Parliament's actions pertain to the previous framework which has now been revised.

In this regard, I note the improvements in the Parliament's framework, in particular, that citizens can now bring what are described as 'signals' to the Advisory Committee directly. I note that you say that this new arrangement is now fully in force and

at the disposal of citizens. I have frequently stressed the importance of the reinforced Advisory Committee for the proper functioning of the Parliament's Code of Conduct.<sup>1</sup>

I also note, however, that there is no guidance available to the public on how to direct such 'signals' to the Advisory Committee. In order for this right to be effective and concretely in force, this information should be published in a clearly visible place on the Parliament's website. Citizens should also know how their complaint/signal will be dealt with, and how, and if, the outcome will be communicated to them.

I trust that the Parliament will reflect further on how to ensure adequate transparency around this new and welcome initiative. In the event of a request for information about the conduct and integrity of MEPs, the Parliament should rigorously assess the balance as between certain legitimate interests of MEPs and a public interest such as, for example, the need for citizens to be assured of the impartiality of EU decision-makers.<sup>2</sup>

I am confident that such an approach would allow for the right balance to be struck between transparency, data protection and the confidentiality of any investigations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Emily O'Reilly', with a long horizontal flourish extending to the right.

Emily O'Reilly  
European Ombudsman

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<sup>1</sup> Closing Note on the Strategic Initiative on improving the European Parliament's Ethics and Transparency Framework (SI/1/2023/MIK), <https://www.ombudsman.europa.eu/en/doc/correspondence/en/178878>.

<sup>2</sup> See judgment of the Court of Justice of 16 July 2015, Case C-615/13 P, *ClientEarth and PAN Europe v EFSA*, paragraphs 53-60, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=165906&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=4502359>  
See also judgment of the General Court of 23 November 2011, Case T-82/09, *Gert-Jan Dennekamp v Parliament*, paragraphs 28-29, <https://curia.europa.eu/juris/document/document.jsf?sessionId=4962D10756F4577BD57AEDD35EA1DD67?text=&docid=115062&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=4456112>