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OPINION OF THE LEGAL SERVICE¹

From: Legal Service

To: Working Party on General Affairs

Subject: Draft Agreement establishing an interinstitutional ethics body

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I. INTRODUCTION

1. On 8 June 2023, the Commission adopted a communication and a proposal for an Agreement establishing an interinstitutional ethics body (hereafter “the Body”), accompanied by an explanatory memorandum and a financial statement². The proposal tabled by the Commission is drafted as an Agreement to be concluded between all institutions mentioned in Article 13(1) TEU and the two advisory bodies mentioned in Article 13(4) TEU, i.e. the Economic and Social Committee and the Committee of the Regions³. Upon its request, the European Investment Bank could also become a Party to the Agreement once it enters into force⁴. Union bodies, offices and agencies, other than the Parties to the Agreement, may voluntarily apply the entire set of current and future common standards developed by the Body to the rules applicable to the office-holders, other than their staff members, who hold a function similar to the ones falling under the scope of the draft Agreement⁵.
2. Following a request by the Working Party on General Affairs, this opinion gives an assessment of the main legal questions raised by the draft Agreement. It is not an exhaustive legal analysis.

² Document 10411/23 (‘Communication’) + ADD1 (‘the draft Agreement’), ADD2 and ADD3.

³ Article 1(1) of the draft Agreement.

⁴ Article 1(2) of the draft Agreement.

⁵ Article 19(1) of the draft Agreement.

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