

The President

301989 30.01.2014

Mrs Magda STOCZKIEWICZ
Director
Friends of the Earth Europe
Rue d'Edimbourg, 26
B-1050 Brussels

Dear Mrs Stoczkiewicz,

I would like to thank you for your follow-up letters to your report *"New Code, Old Conduct - Transparency and conflicts of interest rules in the European Parliament: too loose to deliver?"*.

As you know, in his capacity as Chair-in-office of the Advisory Committee on the Conduct of Members, Mr Gerald Häfner met with your colleagues in November to discuss the findings and recommendations in your report. I am pleased to note that this exchange of views was fruitful and covered a wide range of topics, albeit you did not agree on all points.

I therefore welcome your letter of 17 December 2013 and your complaint, which gives me the opportunity to clarify the Advisory Committee's and my position with the following:

- According to Article 7 of the Code of Conduct, the Advisory Committee's guidance on the interpretation and implementation of the provisions of the Code is authoritative: Members are entitled to rely on it, due to the Advisory Committee's interpretation prerogative. Consequently, the information contained in the Advisory Committee's Users' Guide - based on guidance given to Members and recommendations to me - is to be seen as clarifications made in accordance with the provisions of the Code.

I find no reason to make any different analysis of the matters of your complaint based on the text of the Code, compared to the Advisory Committee's interpretation of it, as explained in the Users' Guide or elsewhere.

- The Code of Conduct does not interdict conflicts of interests, but seeks to ensure that any actual or potential conflict of interest is declared promptly and transparently by a Member.

The access to a trainee provided by a certain type of entity, or a certain type of board membership, does not *per se* give rise to a conflict of interests. With this in mind, the Advisory Committee has recently provided guidance to a Member, stating that trainees provided to a Member by any external actor (private or public company, organisation or entity) is first-hand to be regarded as support in terms of staff, within the meaning of Article 4(2)(g) of the Code of Conduct, and should therefore be reported, together with the identity of the provider of the support, under Section (G) in the Declaration of Financial Interests, within 30 days after the trainee takes up his/her duties.

If the Members you refer to (Mr Bendtsen, Mr Karas, Mr Lehne and Mr Rübzig) should nevertheless in any given event be regarded as having conflicts of interests such as described by you, they have, however, been promptly and transparently declared by them in their respective Declaration of Financial Interests.

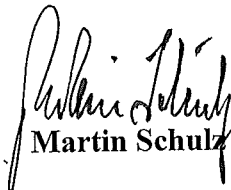
Based on these considerations and on the matters presented by you, I have no reason to think that Members Bendtsen, Karas, Lehne and Rübzig may have breached the Code of Conduct, and I will therefore not refer the matters to the Advisory Committee (Article 8(1) of the Code of Conduct and corresponding section of the Users' Guide).

I note that your report (as well as your complaint) highlights what you refer to as "potential risks" and "shortcomings in the way the code has been drafted". I understand that there are different opinions on whether the Code of Conduct is good enough or not. That is the nature of politics. But these are the current rules that our institution has adopted and which I am responsible to ensure are respected by all Members. If we think the rules are wrong, we should not apply them incorrectly, but seek to change them. That is the nature of democracy.

I am sure you therefore appreciate that the European Parliament, the Advisory Committee and I only act on concrete and established breaches of the rules in force, and not potential risks of breaches or political ambitions of what the rules should be, but currently are not.

Nevertheless, I welcome your interest in these matters which I fully acknowledge are and should be of public interest and debate.

Yours sincerely,



Martin Schulz