

10 July 2020



**Letter to the College of Commissioners, President Von Der Leyen, President Sassoli and President Michel**

**RE: Conflict of interest in the Code of Conduct for Commissioners**

Dear Presidents, dear Commissioners,

By her appearance in the video supporting the Croatian political party HDZ, Commission President Von Der Leyen appears to have violated the Code of Conduct for the Members of the European Commission, specifically Article 9.3.

This breach of the Code of Conduct has now been referred to the EU Ombudsman.

This episode highlights serious problems with the Code of Conduct itself, under which an Independent Ethical Committee, established by the Commission, advises the Commission on ethical questions related to the Code of Conduct.

Under the Code of Conduct, it is up to the Commission President herself or himself to:

- 1) Request an investigation by the Independent Ethical Committee (Art 12.1)
- 2) Set the time limit for the investigation (Art 12.2)
- 3) Propose the members of the Independent Ethical Committee to be appointed by the Commission (Art 12.4)
- 4) Ensure the proper application of this Code of Conduct (Art 13.1); and
- 5) Make a proposal (in the case of an infringement of the Code that does not warrant a referral to the Court of Justice) as to whether or not to express a reprimand of the relevant Member, and as to whether or not to make the reprimand public (Art 13.3).

There is clearly a conflict of interest written into the Code of Conduct with regard to the potential breach of the Code by the Commission President, when self-referral for investigation is the only available option.

The Code of Conduct, as it currently applies, assumes that the behaviour of the Commission President will always be ethical and will never require investigation by the Independent Ethical Committee.

Actions by this Commission President, as well as by several of her predecessors, have demonstrated that this is not the case.

As elected representatives of EU citizens, we call for the highest standards on ethics and integrity to be ensured by all EU institutions.

We urge the Commission to revise the Code of Conduct at the earliest possible opportunity in order to rectify these problems; to ensure that the Independent Ethical Committee is truly independent; and to remove the responsibility for decision-making with regard to investigations by the Independent Ethical Committee from the Commission President.

We urge the leaders of the co-legislative institutions to support this call.

Yours sincerely,

Martin Schirdewan MEP

**List of signatories**