

# Declaration of interests by members of the Parliamentary Assembly

## EXPLANATORY NOTE<sup>1</sup>

### 1. General

1. Under paragraph 17 of the Code of Conduct for members of the Parliamentary Assembly, PACE members are required to complete and submit a declaration of interests at the opening of each annual session. This provision applies to all members of the Assembly, whether representatives or substitutes. The declaration is made in good faith, under the sole responsibility of the member concerned and in full knowledge of the Code of Conduct for members of the Parliamentary Assembly. It is certified true and correct.

2. In keeping with the general aim of strengthening the duty of integrity, accountability and transparency for Assembly members and respect for the general principles of behaviour which the Assembly expects of its members (paragraph 5 of the Code of Conduct), the system of submitting and publishing declarations of interests is designed to provide relevant information on any interest which, on account of its nature, scope or intensity, could reasonably be regarded as liable to influence or be seen as influencing members' actions, words or voting decisions, and which could help to identify any actual or potential conflicts of interest in connection with the exercise of the parliamentary mandate in the Assembly.

3. The declaration of interests must not lead to any invasion of members' privacy. It should not deter them from becoming involved in any civil, political or parliamentary activities. Under no circumstances is the declaration of interests intended to prevent Assembly members from applying for or holding particular positions. The possibility for a committee to remove a rapporteur is in keeping with paragraph 3 of the Code of conduct for rapporteurs of the Parliamentary Assembly (and with Article 3 of the provisions on transparency and the declaration of members' interests).

### 2. Procedure

4. To simplify the procedure, declarations are made on line (with the information being entered in an electronic form). Access to the application is personalised and protected. Each member has an individual account, the user name for which is their private email address. PACE members' email addresses must remain valid and be retained for the duration of their term in the Assembly.

5. Some fields in the form are pre-filled (surname, first name, national delegation).

6. In the interests of transparency, declarations must be completed in one of the two official languages of the Council of Europe, English or French. The information given in the form must be in one of these languages. Only the names of enterprises, corporations, institutions, bodies, associations, etc. may be in the original language.

*When should the declaration of interests be submitted?*

7. Each member of the Assembly is required to submit a declaration of interests annually, in good time before the opening of the Assembly's annual session, and at the latest before the credentials of the member's national delegation are submitted to the Assembly for ratification (*see also "transitional measures", paragraph 47*).

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<sup>1</sup> Unanimously approved by the Committee on Rules of Procedure, Immunities and Institutional Affairs 15 May 2018

8. Assembly members' whose credentials are ratified during the session (during the year) are required to submit a declaration of interests at the latest twenty-four hours before the opening of the Assembly sitting (or meeting of the Standing Committee) at which their national delegations' credentials are to be submitted for ratification.

9. Assembly members who, following their resignation or parliamentary elections in their country of origin, leave the Assembly before the deadline for submission has expired, will not have to file a declaration for the year in question.

### **3. Content of the declaration of interests form**

10. The declaration of interests form covers 10 categories of interests. The declaration of professional activities, employment positions, offices and mandates must be such as to enable the extent of the influence exercised by an individual to be assessed and any possible conflict of interests identified.

#### ***Sections A, B and C:***

11. The three sections – A, B and C – cover various professional situations:

– section A: remunerated activities, employment positions and offices exercised or held in the public or private sector, whether as an employee, liberal professional or self-employed person;

– section B: activities, employment positions, offices and mandates, remunerated or otherwise, exercised or held in the governing bodies of corporations, enterprises or institutions, public or private;

– section C: managerial, operational or administrative activities or offices, remunerated or otherwise, exercised or held in non-commercial institutions or bodies such as NGOs, associations, foundations, clubs, trade unions, religious institutions, mutual associations, etc., public or private.

#### *Which occupations, employment positions, activities, offices and mandates must be declared?*

12. Members must disclose any occupations, employment positions, activities, offices and mandates, remunerated or otherwise, exercised or held in the public sector or on behalf of any natural or legal person governed by private law, whether in their own country or abroad. Where applicable, they should also specify that they are pensioners or unemployed.

13. Members are required to declare any occupations, employment positions, activities, offices or mandates exercised or held at the time of submitting their declaration, and also any exercised or held during the two calendar years preceding the current year of office in the PACE (e.g. 2016 and 2017 for the 2018 declaration; 2017 and 2018 for the 2019 declaration), indicating the date on which these activities or offices ended, where applicable.

14. Members are required to declare any occupations, employment positions, activities, offices or mandates exercised or held on a permanent, regular, intermittent or occasional basis.

15. Members are required to indicate the name of the enterprise, corporation, institution, body, organisation, association, etc. Members should give the full name and not the acronym or abbreviation, if any.

16. National parliamentary mandates (MPs, senators, national councillors, etc.) and local parliamentary mandates (mayor, member or chair of a local or regional council, etc.) shall also be declared.

17. The following need not be declared:

– specific parliamentary offices (speaker of an assembly; chairperson, deputy chairperson or secretary of a committee; quaestor; chairperson or deputy chairperson of a group, etc.);

– offices held in a political party, if they are voluntary and not remunerated.

*How should the amount of income and remuneration be declared?*

18. Members should declare the annual amounts of income and remuneration for each activity pursued:

- the income and remuneration to be declared are the declarant's last **known** income, actually earned in the calendar year, whether this income is taxable or non-taxable, and whether the tax year in the declarant's country coincides with the calendar year or not (e.g. income in 2016 and 2017 for the 2018 declaration; income in 2017 and 2018 for the 2019 declaration);
- the declared amount is deemed, in any event, to be the gross figure before tax and deductions (in particular in the case of fees);
- income and remuneration should be declared for each individual year, and not by aggregating income earned from the same activity over 2 years (when submitting their first declaration, for example, members should show their earnings for 2017 and 2016 separately);
- any remuneration received by members and which they donated to another natural or legal person, including an association, should be declared;
- the income and remuneration declared can be rounded (to the nearest ten euros for amounts less than or equal to 1 000 euros, to the nearest hundred euros for amounts less than or equal to 10 000 euros, and to the nearest thousand euros for amounts greater than 10 000 euros);
- (sections B, C) members need only indicate the amount of income and remuneration if the activity, employment position, office or mandate in question is **remunerated**. If no amount is specified, the activity will be deemed to be unpaid.

19. In view of the duty of confidentiality that applies to certain professions (e.g. lawyers), members are not required to give the names of their clients.

**Section D**

20. The following should be declared in section D:

- any activities as consultant, expert, advisor, lecturer or lobbyist currently being pursued or pursued during the two calendar years preceding the current year of office in the PACE, and which have not already been declared in section A, B or C;
- any sponsored trip, mission or visit undertaken in the context of such activities during the two calendar years preceding the current year of office in the PACE (any sponsored trips or visits undertaken during the current year of office in the PACE should be declared in section H);
- any missions conducted for the purpose of observing or in connection with elections during the two calendar years preceding the current year of office in the PACE and which were sponsored by or undertaken at the invitation of a government (other than your national government or parliament), interparliamentary, intergovernmental or governmental organisation, NGO, association or any other natural or legal person (any sponsored trips or visits undertaken during the current year of office in the PACE should be declared in section H).

Members need only indicate the amount of income and remuneration if the activity, mandate or mission in question is remunerated. If no amount is specified, the activity will be deemed to be unpaid.

**Section E**

21. In Section E, members should indicate the names of any friendship groups, parliamentary clubs or interparliamentary relations groups to which they belong, which they have joined or in which they are involved, and in what capacity (president, vice-president, secretary, member).

22. Members are required to declare any groups to which they belong at the time of submitting their declarations. They may also declare any groups to which they belonged in the past, if they so wish.

23. Any visits or missions undertaken in this connection should be declared in section H. Any gifts or benefits received in this connection should be declared in section G.

## **Section F**

24. In section F, members should declare any support, whether financial or in terms of staff or material, granted over the previous calendar year in connection with the member's political and parliamentary activities by third parties, whether natural or legal persons, together with information about those persons' identity: financial support, sponsorship, donations and legacies, loans and credit agreements, support in kind if it is provided free of charge or at preferential rates (such as advisory, information or communication services; receptions and events; provision of staff; supply of office space or equipment).

25. Resources provided by the national parliament or the political party to which the member belongs (whether by the party organisation at national, local or constituency level) need not be declared.

26. Members must disclose the identity of the donor (name, position or capacity and address, and type of support). They do not have to indicate the amount or value of the support, or the dates when it was received.

## **Section G**

27. Assembly members are asked not to accept any gifts or benefits whose nature and/or value is not strictly within the bounds of parliamentary protocol or practices regarding hospitality.

28. Any *gifts, benefits and hospitality* with a value in excess of €200 must be declared:

- any tangible item (comprising one or more elements) or invitation (tickets to shows, sporting or cultural events, subscriptions or discount cards, lunches or dinners) received from third parties – a foreign government, public authority, private or public body, natural or legal person (enterprise, association, NGO, etc.) – whether national or foreign, including gifts received in connection with a mission abroad or the reception of foreign delegations in the context of inter-state diplomatic or parliamentary relations, and which were accepted during the previous calendar year;

- in the case of invitations, members should also include the value of any invitations addressed to persons accompanying them (spouse, family member, parliamentary assistant, advisor, etc.);

- where the value is not known, e.g. in the case of a protocol gift, it is the responsibility of the PACE member to assess how much the gift or benefit is worth and to decide whether or not it needs to be declared. If in doubt, members are advised to declare the item in question.

29. Invitations to upcoming events (e.g. to a sporting or cultural event due to take place after the deadline for submitting declarations of interests) may be declared in advance.

30. Members must disclose the identity of the donor (name, position or capacity, and address) and the nature of the gift or benefit, including a description and the date when it was received. They do not have to indicate the amount of the gift or its value.

31. The following need not be declared, regardless of their value:

- gifts and benefits received from the member's spouse, family members or relatives, on a strictly private basis and which are unrelated to the parliamentary mandate;

- benefits related to the parliamentary mandate which are funded by the national parliament, the Parliamentary Assembly or another parliamentary assembly of a recognised international organisation (e.g. OSCE PA, NATO PA), on condition that these benefits are expressly mentioned in the official programme of the meeting, visit or mission;

- benefits and hospitality conferred in connection with a sponsored visit or trip declared in section H.

## **Section H**

32. Members are required to declare the following in section H:

- any trip or visit undertaken during the previous calendar year, at the invitation, in full or in part, of a third party – foreign government, public authority, private or public body, natural or legal person (enterprise, association, NGO, etc.) – and where the travel, accommodation or subsistence expenses were not paid in full – either directly or through reimbursement – by the PACE member personally, by their national

parliament, by their national government, by the PACE or another parliamentary assembly of a recognised international organisation (e.g. OSCE PA, NATO PA) or by the Council of Europe;

- any missions conducted for the purpose of observing or in connection with elections and which were sponsored by or undertaken at the invitation of a government, interparliamentary, intergovernmental or governmental organisation, NGO, association or any other natural or legal person, other than missions undertaken for the PACE or another parliamentary assembly of a recognised international organisation (e.g. OSCE PA, NATO PA);

- the participation of persons accompanying the PACE member (spouse, family member, parliamentary assistant, advisor, etc.) whose expenses were covered on the same terms and conditions;

- any benefits or hospitality conferred during a sponsored visit or trip which were not declared in section G;

- any trip or visit whose dates are known in advance can be declared beforehand.

33. Trip or visit means any travel undertaken in the course of a member's parliamentary duties, for professional purposes or for personal or family reasons.

34. Members must disclose the identity of the donor (name, position or capacity, and address) and the nature of the expenses covered, including a description of the benefit and the date and place when it was accepted. They are not required to indicate the amount of these expenses or their value, but they may do so if they wish.

35. The following need not be declared:

- any travel undertaken for strictly personal or family reasons if the costs are borne by the PACE member (or their family) personally; PACE members have a duty, however, to ensure that such trips do not give rise to potential conflicts of interest;

- any visit or trip undertaken in connection with official missions for the national parliament to which the member belongs, their national government, PACE or another parliamentary assembly of a recognised international organisation;

- any sponsored trips or visits undertaken during the two calendar years preceding the current year of office in the PACE must be declared in section D.

### ***Section I***

36. In the section entitled "Miscellaneous", members are required to declare any interest which does not clearly fall into one of the categories listed and which the member wishes to mention because it might reasonably be considered to cast doubt on the independent, impartial and objective exercise of their parliamentary mandate and be seen as likely to influence the member's actions, words or voting decisions.

### ***Section J***

37. In this section, members are required to disclose any material, financial, economic, commercial or other interests, whether professional or personal, which they consider relevant and which concern their spouses, children, parents, staff, advisors or parliamentary assistants, and which, in their opinion, might influence the performance of their parliamentary duties.

38. The term "spouse and other family members" includes the member's spouse, civil partner or cohabiting partner and the parents, children, grandparents, grandchildren, siblings, uncles and aunts, nephews and nieces of the member or of the member's spouse, civil partner or cohabiting partner.

39. Members must specify the capacity of the individual concerned and their relationship to themselves. They must also indicate the nature of the interest considered to be relevant and include a description of it (e.g. professional activity, existence of a managerial position in a private or public enterprise, NGO or association, etc.). In order to avoid any undue interference with individuals' privacy, members can choose not to disclose the person's identity (name of the spouse, civil partner or cohabiting partner, other family members, or staff).

## **Section K**

40. In section K, members have the option of providing any additional information, explanations or clarification which they consider appropriate.

### **4. Publication and retention**

41. Declarations of interests must be validated on the terms and conditions set out in paragraphs 7 and 8. They will be posted on the Assembly website under the personal profile of the member concerned.

42. A member's declaration will be removed from the Assembly website at the end of the session following the end of their term of office in the Assembly. The declarations are archived and kept for five years at the Table Office.

### **5. Correcting bona fide errors and making substantive changes**

43. Any member wishing to correct or amend a declaration that has already been published for the current year may edit the content of their declaration. The new version of the declaration will be published according to the usual procedure.

### **6. Verification**

44. No ex-ante checks are carried out to verify the content of the declarations submitted or the accuracy of the information provided. Once the deadline for submission has passed, the Secretary General of the Parliamentary Assembly checks whether the declarations of interests have been submitted on time and compiles a list of any members who have not submitted a declaration. This list is made public.

45. Any member who has failed or refused to submit a declaration, failed to declare a relevant interest or submitted an untruthful declaration will automatically be deprived of the right to be appointed rapporteur or to act as a committee rapporteur, and to be a member of an ad hoc election observation committee.

### **7. Interpretation of provisions**

46. In accordance with paragraph 4 of the Code of Conduct for members of the Parliamentary Assembly, the Secretary General of the Parliamentary Assembly is responsible for providing guidance on all matters covered by this explanatory note on the implementation of members' duty to submit a declaration of interests.

### **8. Transitional measures**

47. The declarations of interests for 2018 must be validated and submitted by 30 September 2018. The declarations for 2019 and subsequent years will be submitted in accordance with the provisions of paragraphs 7 and 8.