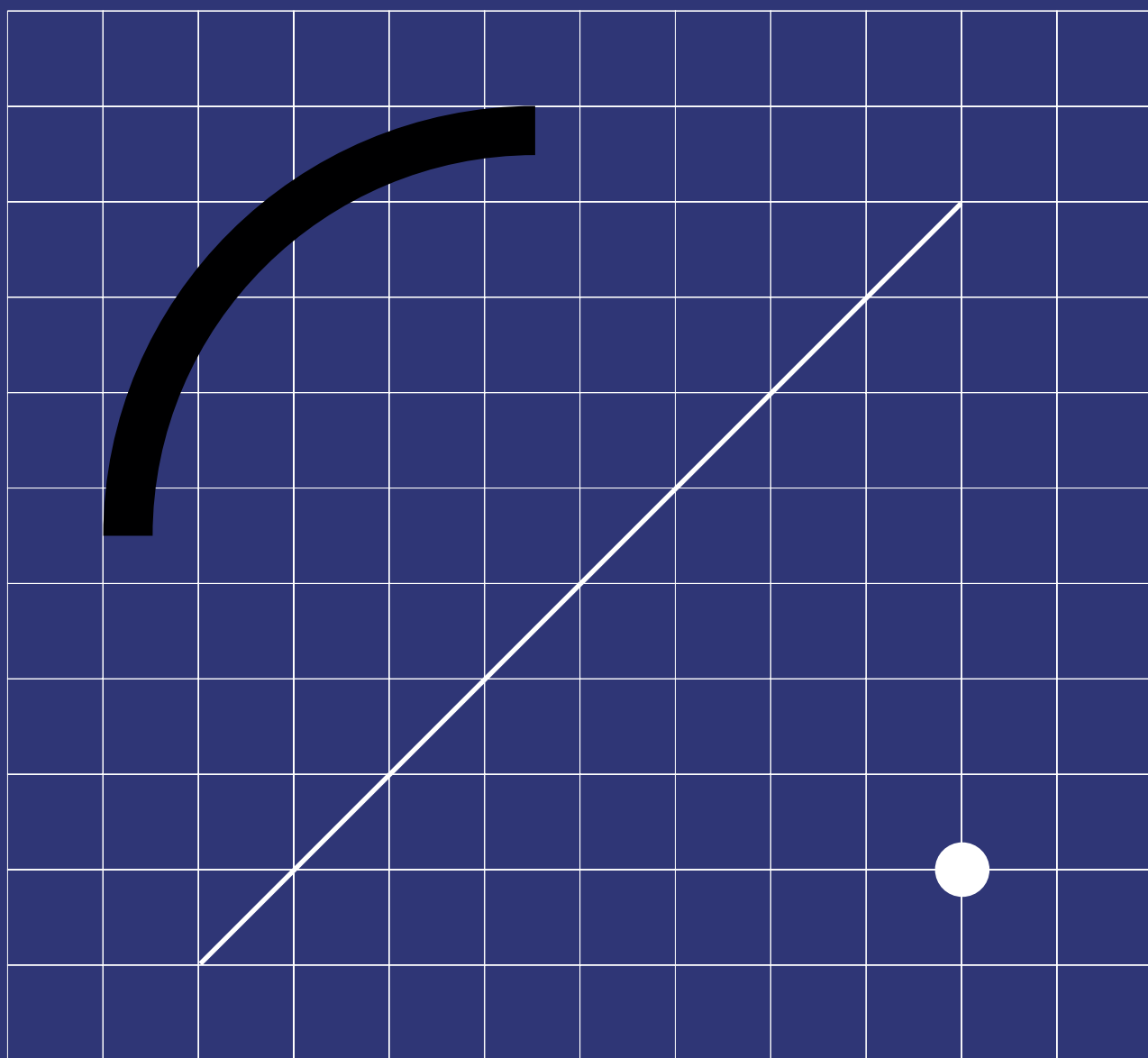


# 7 proposals to protect European democracy before the elections

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# 7 proposals to protect European democracy before the elections

In front of the recurring scandals that confirm how weakly protected EU democracy is, it matters highly that candidates to the European Parliament position themselves and call for a comprehensive set of rules to protect EU democracy and the integrity of its public agents.

A little more than a year after the Qatargate broke. Czech and Belgian authorities recently claimed to have busted a major influence network spreading pro-Kremlin propaganda in Europe through European politicians, including members of the European Parliament. This new scandal comes as a confirmation of what the European Ombudsman, the INGE sub-committee of the European Parliament<sup>1</sup>, and a number of anti-corruption NGOs have pointed out for some time: the decision-making processes that govern the regulation of the Single Market, which unites 450 million inhabitants and 22 million companies, are subject to powerful influence strategies from a large variety of actors, including now foreign States (or fractions thereof) who use them over the traditional diplomatic channel.

And yet, the reaction of the European Union to the Qatargate leaves much to be desired. Not only is the criminal investigation launched by the Belgian magistrates stalled, a situation that displays the fragility of the criminal law protection of EU democracy, but the political response has also, so far, remained very modest. Instead of acknowledging the magnitude of the threat, EU decision-makers have opted for continuity solutions, only marginally reforming a system based on essentially preventive tools ranging from transparency rules, codes of conduct and self-regulation through consultative ethics

committees. The recent agreement on the creation of an EU body for ethical standards is emblematic of this lack of bite and firmness: its mission is limited to harmonizing standards and promoting an “ethics culture” across EU institutions - short of any meaningful power of inquiry on conflicts of interests, or indeed capacity to sanction EU public agents who resist solving them... While the president of the European Parliament had initially been relatively assertive in words, the “Metsola Plan” which was eventually adopted as EP’s new rules of procedure has only brought very little change - save for the modest prohibition imposed on MEPs to meet former MEP’s who have become lobbyists or representatives of the public authorities of foreign States within six months of the end of their term of office. Additionally, the actual implementation of this new policy lies with the internal ad hoc committee of MEPs (and ultimately of the president of EP herself).

These business-as-usual reactions demonstrate that EU policy-makers continue to under-estimate the stakes and the magnitude of the problem. As firmly established in the academic literature,<sup>2</sup> preventing conflicts of interests or fighting corruption are goals that go well beyond the protection of the reputation of EU institutions or of the European project, as it is too often said. For ultimately and crucially, it is all of us, EU citizens, who are the diffuse victims of corruption, as scandals undermine the very legitimacy of democracy to address the monumental challenges of our time – war and peace, ecological transition, social inequalities, etc.

Against this backdrop, what is needed is no less than a renewed “art of separation” between, on the one hand,

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1 — Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation, European Commission, April 2022 2022.

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2 — «La dimension relationnelle de la corruption politique», entretien avec Emanuela Ceva, Politika.

the European public interests as defined by European votes and entrusted to European public officials and, on the other hand, the dynamics of lobbying that need to be discussed as they risk weighing disproportionately on decision-making processes.<sup>3</sup>

The full implementation of transparency rules bearing on interest groups and public officials is the first important step in this direction.<sup>4</sup> And yet, while there is no denying of their democratic virtue, they do not prevent conflicts of interest or corruption from existing, however well-documented these may be. Instead, we need a truly proactive policy that establishes a single and comprehensive system of incompatibilities able to curb harmful practices of “moonlighting” (exercising a professional activity while holding a position at the EP) and “revolving doors” (moving in and out of public offices).

**Therefore, we call for:**

- limiting “moonlighting” by prohibiting new parallel professional activities for Members of the European Parliament;
- setting a 12-month post-mandate cooling-off period during which the MEPs cannot engage in lobbying activities vis-à-vis all EU institutions and agencies;
- sanctioning companies and consultancies that recruit “revolvers” against the rules by excluding them from public contracts;
- creating a unique and independent EU Integrity Body granted with investigative powers in charge of controlling and sanctioning this new set of integrity rules with disciplinary measures.

Most of all, the EU needs to strengthen its repressive arsenal which has proved strikingly lacking in the case of the Qatargate.

As a matter of fact, the European Public Prosecutor’s Office, which began operating in 2021 to fight fraud against the EU budget, has no competence beyond that precise scope of action. This is why it has fallen on to the Belgian judicial system to carry out the investigations, even though it is not the Belgian democracy that has been flouted.... In response to this weird situation, it is necessary to prepare the extension of the competence of the European Public Prosecutor’s Office to prosecute criminal offences against EU democratic interests.

**Therefore, we call for:**

- the EU to join the Group of States against Corruption (GRECO) to allow for external and independent assessment of EU standards and practices;
- adopting an EU directive on the protection of democratic interests by means of criminal law, setting a complete system of criminal offences against the integrity of EU officials;
- extending the powers of the European Public Prosecutor’s Office, to cover criminal offenses against the Union’s democratic interests.

While it needs to be acknowledged that there is no magic-bullet in the face of a problem that has deep political and economic roots, it is now crucial that the candidates to the European Parliament tackle this pressing issue and question the level of protection that we, European citizens, want to ensure to EU democratic decision-making processes.

3 — See Antoine Vauchez, Lola Avril, Emilia Korkea, Juliette Lelieur, Chloé Fauchon, One year from the Qatargate. How can the EU be better protected from conflicts of interest and corruption, Report for the Observatoire de l’éthique publique, décembre 2023: [https://www.observatoireethiquepublique.com/assets/files/propositions/livre-blanc/livre-blanc-version-eng-4\\_12.pdf](https://www.observatoireethiquepublique.com/assets/files/propositions/livre-blanc/livre-blanc-version-eng-4_12.pdf).

4 — See Kalypto Nicolaidis, Nicolai von Ondarza, Sophia Russack, The Radicality of Sunlight. Five Pathways to a More Democratic Europe, Report for CEPS, October 2023.