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Regulating ethics in parliaments: measuring regime robustness

Ethics regulation in parliaments has grown significantly over the last decades, as a result of political scandals, public outcry and policy diffusion promoted by international organizations. Ethics regulatory regimes vary according to the focus of the norms (compliance vs integrity or transparency vs sanctions) and according to the degree of externalization of oversight and enforcement mechanisms (external to parliament, internal or mixed). The mere existence of regulation says little about how strong these regimes are. Drawing on original data collected through an institutional checklist of 21 indicators, we develop an Ethics Regulation Robustness Index to measure the scope of norms, the strictness of sanctions and the powers granted to oversight and enforcement bodies in 17 European parliaments. Our findings suggest that the externality of the oversight and enforcement is not a good predictor of the robustness of the ethics regulations.

Keywords: political ethics; self-regulation; parliament; oversight; enforcement;

Introduction

Ethics regulation in parliaments has grown significantly over the last decades, as a result of political scandals, public outcry and policy diffusion promoted by international organizations (Bolleyer & Smirnova, 2017; Dávid-Barrett, 2015). The importance of parliamentary ethics is twofold. First, parliaments play a key role in upholding the highest standards of integrity in political life, not only because they have legislative supremacy, including in areas such as ethics regulation in which they are both the “rule makers” are also “rule takers” (Streeck & Thelen, 2005), but because they are equally responsible for providing and exercising control over Cabinet, including inquiring about the misconduct of its members and exercising disciplinary powers. Secondly, the opportunity structures for corruption and misdemeanour in parliament have grown in the past decades due to a

combination of factors leading to increased interactions between parliamentarians and third parties: the rise of the Regulatory State (Majone, 1994) and intense production of laws and regulations; the increase of lobbying firms and activities; the possibility of accumulating several offices, jobs or mandates and the decline in the popularity and visibility of national representative functions.

In the last decades, democracies have been adopting and reviewing comprehensive regulatory regimes aimed at political ethics, to ensure that officeholders act in the public interest (Olsen, 2017; Bolleyer & Smirnova 2017; Bolleyer, Smirnova, Di Mascio & Natalini, 2020). Dedicated normative instruments, as well as specialized oversight and enforcement bodies, have been created particularly in sensitive areas, such as conflict of interest, financial and interest disclosure, relations with third parties or gifts and hospitality. Parliaments have not escaped this regulatory spree and have also adopted a series of self-regulatory measures, such as internal codes of conduct and disciplinary bodies (Dávid-Barret, 2015).

Studies of these regulatory waves have unveiled a variety of regimes within the umbrella of parliamentary ethics regulations. Ethics regulatory regimes vary according to the focus of the norms - compliance vs integrity or transparency vs sanctions - and according to the degree of externalisation of oversight and enforcement mechanisms - external to parliament, internal or mixed. The regimes focused on the norms can be more compliance or sanctions oriented, meaning that they are based on more concrete and punitive regulations, or be more transparency and integrity-oriented, i.e., based on softer mechanisms, such as declarations, peer-pressure social learning and individual reflection. The second variety of ethics regimes varies according to the placement of the oversight and enforcement, as some parliaments have maintained it “in doors”, while others have externalized those duties to bodies or persons outside the institutions. Other parliaments have opted for a mixed system of external oversight and internal enforcement.

Little has been said, however, regarding the robustness of parliamentary ethics regimes. The present paper aims at addressing this question. Drawing on original data collected through an institutional checklist assessment distributed among the various parliamentary services of EU Member States in 2020, we develop an Ethics Regulation Robustness Index to measure the scope of norms, the strictness of sanctions and the powers granted to oversight and enforcement bodies in 17 European parliaments. Building on previous comparative works on parliamentary ethics regimes and lobbying regulations, our index consists of three dimensions – norms, oversight and enforcement – and 21 indicators.

The article is organised into four parts. First, we delve into the varieties of parliamentary ethics regulatory regimes. Secondly, we review the dedicated literature to identify gaps in the way the performance of ethics regulatory regimes has been assessed. Thirdly, we introduce our Parliamentary Ethics Robustness Index and our data collection methodology. Then, we proceed to the mapping of the varieties of regulatory regimes and

the application of our index. Finally, we present a brief discussion of our results. We tentatively conclude that the externalization of the oversight and enforcement does not necessarily translate into more robust ethics regimes.

Varieties of Parliamentary Ethics Regulatory Regimes

When examining the different regimes through the lenses of regulation literature (Hood, James, Jones, Scott, & Travers, 1999; Lodge and Hood, 2010), three components are identified: i) norms or standards; ii) oversight and iii) enforcement. Regarding norms, and besides national constitutions and several laws imposed on political and public office holders, a significant and growing number of parliaments have at their disposal different instruments for regulating the various aspects of MPs' conduct (ODIHR, 2012). One of those instruments is the codes of conduct, which set out guidelines for the behaviour of MPs in their daily activities and/or in the relationship with their peers, their voters and third parties. It is possible, indeed, to have norms and standards in place without the existence of the other two components, oversight and enforcement. Yet, theory suggests that rules are more effective if there is a high probability that violations will be detected and punished (Becker, 1968; Klitgaard, 1988).

Tacking stock on Dobel (1999) two dimensions of integrity - the legal-institutional and the personal-responsibility dimension, Blomeyer (2020) proposes the concept of "Parliamentary Integrity Systems" (PIS). The legal-institutional dimension refers to integrity as compliance with clearly defined rules on avoiding conflicts of interest, the disclosure of private interests, and acting according to the institutional values of parliament, while the personal-responsibility dimension requires MPs to deal with conflicts of interest, with understanding and personal capacity of judgement on the adequate course of action (Blomeyer, 2020, pp. 562-3).

Others have conceptualized conflict of interest regulation, by dividing it into other two dimensions: the legal mechanisms directed towards either preventing situations (namely bans and incompatibility rules) or those focused on disclosing situations (such as transparency requirements) (Mattarella, 2014). Taking stock of this conceptualization, Bolleyer and her associates (Bolleyer & Smirnova, 2017; Bolleyer et al., 2020), proposed three elements of conflict of interest (COI) regimes: i) Strictness, which captures the aspects that increase the likelihood that violations are officially detected and notified; ii) Sanctions, which related to the costs imposed on MPs when violations are detected; and finally, iii) Transparency, which captures the conditions for third-party control.

From another perspective, Power (2009) identified three different models of enforcement and regulation, namely, internal regulation by the parliament (self-regulation), external regulation by a judicial body and the creation of an independent commissioner who reports to a parliamentary committee. Self-regulatory regimes have gone through some failures and crises, and in recent years, evolved to more external or

hybrid regimes (Dávid-Barrett, 2015; Power, 2009). Some countries opted to set detailed legal standards of conduct to political actors while externalizing oversight and enforcement, but the shifting of control to external bodies has not necessarily translated into more robust ethics regulation.

(Figure 1 about here)

Exploring gaps in the literature

Traditionally, ethics regulatory regimes have been mostly studied through the lenses of public policy and/or comparative historical analysis focusing on single countries or a small number of cases (see for instance Atkinson & Bierling, 2005; Cini, 2019; Dávid-Barrett, 2015; Mulgan, 2021). Few studies have attempted to overcome the dilemma of many potentially explanatory variables and a small number of observed cases (Lijphart 1971). This tendency to keep the discussion locked around national contexts and idiosyncrasies has been challenged by a new set of studies that try to measure the robustness of regulatory regimes across a significant number of countries. Works focusing on two areas of regulation that cover parliaments have pioneered in this domain.

Bolleyer and associates (2020) collected data on the institutional format and competencies of conflict of interest (COI) regulatory regimes in place in 27 European democracies for the years 2012 to 2015, based on the GRECO 4th round of evaluation reports. Building on the specifications of COI regulatory regimes, the authors distinguish four basic dimensions of analysis – rule strictness, enforcement, sanctions, and transparency – and have built an index for each by making use of rankings and a linear aggregation method. The logic underpinning the design of the index focuses primarily on the existence of compliance-based and integrity-based approaches to regulation. Hence, the authors believe that the stricter a regulatory system is in proscribing certain practices or conducts, “the less ambiguous these rules are” and “the more likely rule violations occur and become visible” (Bolleyer et al. 2020, pp.3-4). Yet, the index misses the connection between the standard-setting quality of COI regimes and the enforcement capacity of oversight and enforcement bodies. The enforcement/oversight index is also insufficiently explained. If we are to understand why ethics regulatory regimes are more successful than others, we need to devote special attention to the robustness of oversight and enforcement bodies.

More focused on lobbying, a handful of studies have looked at the varieties of regulations. Liebert (1995) proposed the classification of lobbying regulatory regimes in 18 West European parliamentary systems, by focusing on the constraints parliamentary procedures put on lobbying. The ultimate goal was to assess “the extent to which they have introduced procedures and measures to “domesticate” and balance private influences in the process of passing legislation”. Through a factor analysis applied to the “interpretative” ordinal data collected from the analysis of six variables across the 18 case studies, the author identified a two-dimensional space of lobby-regimes: one internal

(control) and one external (routinisation). The countries were then classified along these two dimensions. Other authors conducted similar studies in other jurisdictions, namely US federal states (Chari et al., 2007). The concept of robustness or strictness of regulation has also been thoroughly applied in the measurement of lobbying regulations (Chari et al., 2007; Chari et al., 2019; Holman & Luneburg, 2012; Newmark, 2005; Opheim, 1991), many building on the methodology developed by the Center for Public Integrity (CPI). For these authors, robust lobbying regulations offer more public information, impose heavier sanctions and rules are enforced more effectively.

Although these articles in two different areas offer an interesting attempt at assessing the robustness of ethics regulatory regimes across countries with different legal and institutional traditions, two important gaps need to be explored further. The literature (Power, 2009) identifies three models of oversight and enforcement – internal, external and mixed (external oversight with internal enforcement) – but it has not systematically mapped how these different regulatory models are diffused and distributed across countries.

The second gap relates to the robustness of ethics regulatory regimes. Norms regulating MPs' conflicts of interest may have a limited scope of applicability. Similarly, ethics bodies may not exist or, when in place, have a limited mandate and/or no enforcement capacity. Therefore, regardless of the degree of externalisation of oversight and enforcement mechanisms, it is important to analyse to what extent the regime in place empowers these mechanisms and grants them the formal independence necessary to adequately perform their oversight and enforcement functions and whether the norms to be enforced are ample enough in terms of the subjects and issues covered.

Mapping varieties of ethics regulatory regimes

To kick off our study, we collected and mapped two types of data regarding parliamentary ethics. First, we identified the European countries which have ethics regulations and regulatory bodies in place. Second, we mapped the varieties of ethics regulatory regimes in terms of externalization of the oversight and enforcement. These first steps allowed us to have a more encompassing picture of the quantity, variety and geographic distribution of parliamentary ethics regulations in Europe.

Data was collected from parliaments of EU member states and the United Kingdom, in a total of 28 countries. Survey requests were sent to parliaments of all EU member states, but given the reduced feedback, our team collected and coded the ethics regulations (codes of conduct, for instance), directly retrieved from the parliament's official websites. It was not possible to cover all member states due to language constraints.

The first query was *whether parliaments had in place a legal framework setting ethical standards governing the performance of official duties or the discharge of official responsibilities of Members of Parliament.*

(Figure 2 about here)

Looking at the overall distribution, 86% (25) of the countries analysed have ethics regulations of some kind. Only two Central and Eastern European, Hungary and Bulgaria, and two Western Europe countries, Denmark and the Netherlands have no ethics framework in place.

(Figure 3 about here)

Secondly, it was enquired *whether, among countries that had ethics rules in parliament, there was a designated body or set of bodies responsible for managing ethical standards governing the performance of official duties or the discharge of official responsibilities of its members.*

19 countries, more than three-quarters of the cases, have a body or a set of bodies responsible for ethics management. Besides the four countries that don't have ethics rules in place, parliaments in Cyprus, Finland, Germany, Malta and Sweden do not have ethics bodies. It seems that these countries rely on individual consciousness for policing the induct. Formally, Spain has had an ethics oversight body since late 2019, but it was not functioning, as of 2021.

(Figure 4 about here)

(Figure 5 about here)

The third query explores the *models of oversight and enforcement of ethical standards (codes of conduct or other prescriptive norms and guidelines) to members of parliament has been adopted?*

Amongst the 19 countries with ethics bodies, there are three different models. Eight countries have internal ethics bodies, while in seven an external ethics management body shares enforcement responsibility with an internal statutory body and in four countries there is an internal ethics oversight body, but the enforcement of sanctions is external to parliament.

(Figure 6 about here)

(Figure 7 about here)

When paying attention to the year of establishment of each institutional model, the trend of externalization that has been described in the literature is confirmed. In other words, time does not seem to explain the choice for more external oversight and enforcement. In

the 1990s, five internal bodies and one external; in the 2000s, two internal and two external; 2010s, two internal, four external and three co-regulated models.

(Table 1 about here)

Austria represents the internal oversight/external enforcement model. The Austrian Parliament does not have a code of conduct, but relies on other documents concerning conflicts of interests, incompatibility and transparency, namely the the Austrian Federal Constitution and the Incompatibility and Transparency Act. The parliamentary Committees on incompatibilities of the national and Federal Councils are competent for matters relating to incompatibilities and financial interests. For the rest, Austria relies largely on the general criminal laws, especially for corruption-related offences, thus externalizing enforcement to judicial courts.

Lithuania illustrates the internal oversight and enforcement model. MPs behaviour is ruled by two different instruments - the Code of Conduct for State Politicians and the Law on the Adjustment of Public and Private Interests in Civil Service (LAPPICS). Oversight and enforcement fall under the scope of action of the Seimas Commission for Ethics and Procedures (SCEP), a collegial body composed by all political parties seating in parliament and assisted by two civil servants. In case of a conflict of interest over an issue being deliberated in parliament, MPs have the duty to declare such conflict and retreat themselves from participating in the legislative or deliberative process. Failure to do so may lead the SCEP to issue a recommendation over the conduct of an MP and inform the Seimas. In case the MP also disregards the commission's recommendation, she may be temporarily excluded from the plenary chamber by a decision of the Seimas, voted by simple majority and without appeal. In addition, the SCEP may launch start an investigation over an MP on its own, at the request of another public institution or following a complaint by any person. If the outcome of the investigation is a suspicion that the MP might have committed a criminal offence, the SCEP must immediately inform the Seimas and the Prosecutor General.

Finally, Luxembourg works as an example of the external oversight and internal enforcement model. In 2014, parliament introduced a Code of Conduct for MPs and set up a new monitoring and sanctioning mechanism to ensure compliance with the code's provisions. The Independent Advisory Committee, composed by three individuals, is external to parliament. Besides offering guidance and consultation, the Committee can issue recommendations over the conduct of MPs, including over a possible sanction in case of suspicion that an MP has infringed the Code. If, considering this recommendation, the Speaker agrees that the MP has violated the Code of Conduct, he adopts, after hearing the MP, a reasoned decision fixing a sanction. The sanctions range from a warning, a reprimand to temporary exclusion or even a ban from taking part in certain parliamentary activities. The MP may appeal the decisions.

5. Measuring the robustness of ethics regulation in parliament

Regulatory regimes not only differ in terms of their format but also in terms of their robustness. For that reason, it is important to analyse to what extent the regime in place has the powers and the formal independence necessary to adequately perform its oversight and enforcement obligations and whether the norms of conduct are ample enough in terms of subjects and issues covered. Hence, in the second part of our study, we built an Ethics Regulation Robustness Index and applied it to 17 European parliaments.

The concept of robustness or strictness of regulation builds on the works previously mentioned regarding the measurement of lobbying regulations, particularly developed by Chari and his associates (Chari et al., 2007, 2019). Building on Crepaz (2016) definition of robustness of lobbying regulations as “the level of transparency and accountability a lobbying law can guarantee”, we propose the robustness of the ethics regulations to be the level of norms, oversight and enforcement of the ethics rules. Robust ethics regulation provides established and encompassing rules, functioning oversight and enforcement capacity. For instance, norms can be part of a parliament standing order or be a simple resolution. The oversight body might have the power to initiate investigations on its own or only at the request of parliament. Sanctions might range from a simple reprimand to loss of mandate.

To measure that robustness, we have built a checklist index, made up of three dimensions and 21 indicators (see table 1 and annexe 1). The selection of indicators took into consideration GRECO’s Revised Questionnaire on Corruption Prevention in respect of Members of Parliament¹ and earlier studies assessing the independence of anti-corruption agencies (de Sousa, 2009) and the enforcement capacity of political financing supervisory bodies (de Sousa, 2019).

Indicators were grouped into three major categories corresponding to a tridimensional understanding of ethics regulation, following mainstream definitions of regulation. According to Hood et al. (1999), Hood et al. (2004) or Lodge & Wegrich (2012), regulation is composed of three fundamental and interdependent aspects: *standard-setting*, the definition of norms/rules to target agents; *oversight*, the collection and evaluation of information on whether the norms/rules in place are adequate, sufficient and if their compliance is effective; and *enforcement*, the capacity to compel observance of standing norms/rules and to ensure that those norms/rules are appropriated by the target agents, through either dissuasive measures and sanctions, or proactive measures and incentives eventually leading to behaviour-modification.

¹ GRECO’s Revised Questionnaire on Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors prepared for the Fourth Round of Evaluation, adopted during its 50th Plenary Meeting (Strasbourg, 28 March – 1 April 2011) and revised at its 57th Plenary Meeting (Strasbourg, 15-19 October 2012). Available online: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806cbdfc>

Some indicators have a multiple-choice answer, with each answer assigned a numerical value, while others are dichotomous. In the *Norms* dimension, we analyse whether there were any ethical rules, the legal value of such rules and their scope of application in terms of officeholders and staff. The *Oversight* dimension focuses on the scope of the existing oversight body, in terms of areas of intervention covered (such as conflicts of interest and/or asset declarations), disciplinary measures it can trigger and the powers it has been granted (such as investigative or advisory powers). In the *Enforcement* dimension, we measure the scope of sanctions, whether the parliament's plenary plays an enforcement role and of what nature.

(Table 2 about here)

We measured the robustness of ethics regulations of 17 European parliaments. The number of cases is reduced in comparison with the countries considered in the previous section due to language constraints. The 17 cases include those parliaments whose officials filled our survey and those that our coders were able to read the law in its original language.

In an index of 20 points, only Slovenia, Luxemburg, Austria, and Lithuania scored above the median (figure 7). Building once again on the methodology developed by Chari and associates (2019), but applying to our index, we classified the ethics regulatory regimes in three categories: low, medium and high robustness systems. On our 0-20 scale, a high-level score above 13, medium ranges from 7 to 13 and those below 7.

(Figure 8 about here)

A *low robustness* regime means that:

- There are norms, but not necessarily oversight or enforcement mechanisms (as in the case of Cyprus, Germany, Malta and Sweden).
- The norms are not encompassing in terms of scope of application.
- The oversight and enforcement, when they exist, have very limited powers.
- Regulations are silent about several aspects relating to the independence of the powers of oversight and enforcement, namely whether the head can be dismissed or how they deal with external whistleblowing.

A *medium-robustness* regime means that:

- The norms have a larger scope of application.
- The oversight body has jurisdiction over a significant number of issues (such as gifts and hospitality, conflict of interest), relative oversight powers in terms of dealing with cases and suggesting disciplinary actions.
- The enforcement has a certain degree of leverage to impose sanctions.

A *highly robust* regime will include:

- The regulation is more detailed than in other categories, with less room for loopholes or uncertainty about the independence and powers of the oversight and enforcement bodies.
- Norms are large in scope, applying to different types of relevant individuals other than MPs.

No country falls into the *high robustness* category, as all scored below 13. Yet, the majority of the countries analysed fall in the *medium robustness* group: Lithuania, Austria, Luxemburg, Slovenia, Czech Republic, Slovakia, France, UK, Latvia and Italy, with a score ranging from 11,68 to 7,53. In the *low robustness* category, there are Ireland, Portugal, Belgium, Spain, Cyprus, Germany, and Malta. The last three countries could even be set apart in the fourth category of the incomplete regulatory system, as they have norms in place, but no oversight or enforcement mechanism.

6. Concluding remarks

The objectives of the present study were twofold. First, it analysed and mapped the varieties of the parliamentary ethics regulatory regimes from the perspective of the degree of the externality of the oversight and enforcement instruments. Three major findings result from this descriptive analysis: i) the existence of ethics regulations is the rule in EU countries, as 86% of the countries analysed have them in place; ii) the existence of ethics oversight bodies is also common, as 79% of parliaments have them; iii) there is a variety of oversight and enforcement models in place, but the most common is still self-regulation, in which the ethics body operates within parliament.

The second objective was to measure the robustness of parliamentary ethics regulatory regimes. Intuitively and given the evolution of ethics regulation from self to external regulatory models, it was expectable that external regimes would be more robust, as they would not depend on the actions of the rule-takers. However, the findings suggest that the robustness of the regulatory regime is not dependent on the model. The top 3 most robust regimes are indeed three different models: the Lithuanian external model, the Austrian internal/external one and the self-regulatory model in Luxemburg. Thus, the data suggests that more relevant than the model itself, are the scope of norms and the powers granted to the oversight and enforcement bodies.

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Table 1. Chronology of the Establishment of Ethics Bodies

Year of Establishment	Ethics Institutional Model	Country
1901	Internal Oversight/External Enforcement	Austria
1990	Internal Oversight and Enforcement	Lithuania
1993	Internal Oversight and Enforcement	Czech Republic
1995	Internal Oversight and Enforcement	Ireland
1995	Internal Oversight and Enforcement	Slovakia
1996	External Oversight/Internal Enforcement	United Kingdom
1998	Internal Oversight and Enforcement	Poland
2004	External Oversight/Internal Enforcement	Croatia
2006	Internal Oversight and Enforcement	Latvia
2007	External Oversight/Internal Enforcement	Romania
2011	External Oversight/Internal Enforcement	France
2014	Internal Oversight/External Enforcement	Belgium
2014	Internal Oversight/External Enforcement	Estonia
2014	External Oversight/Internal Enforcement	Luxembourg
2016	Internal Oversight and Enforcement	Greece
2016	Internal Oversight and Enforcement	Italy
2019	Internal Oversight/External Enforcement	Portugal
2019	External Oversight/Internal Enforcement	Spain
2020	External Oversight/Internal Enforcement	Slovenia

Table 2. Ethics Robustness Index: Dimensions and Indicators

Dimension	Indicators
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Norms	Existence of ethics rules Form of ethics rules (codes of conduct, standing orders, criminal laws, other) Subjects of the rules (MP, cabinet members, party officials, advisors, staff, third parties) Scope of the rules
Oversight	Existence of oversight body Composition of body Powers Scope of oversight
Enforcement	Existence of oversight body Composition of body Powers Scope of enforcement

Figure 1. Varieties of Ethics Regulatory Regimes

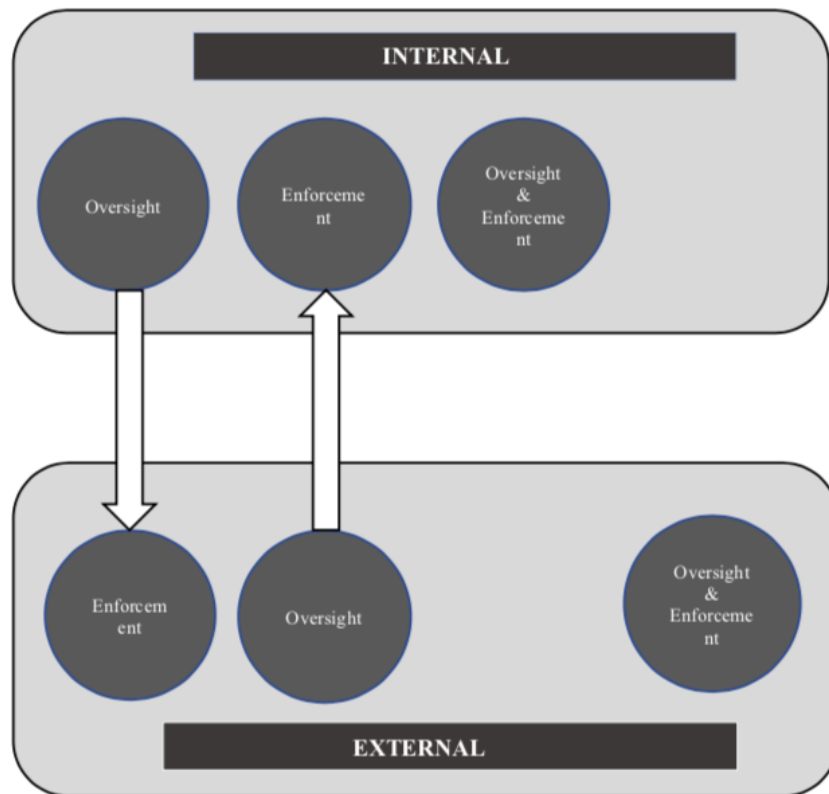


Figure 2. Share of EU27+UK with Ethics Rules in Parliament

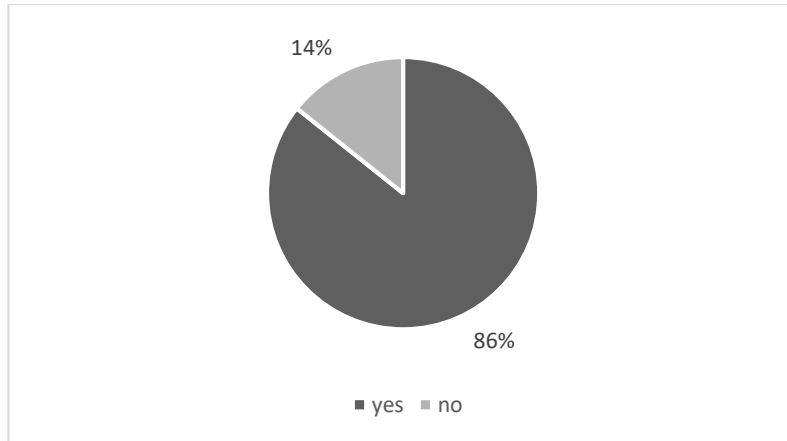


Figure 3. EU27+UK with Parliamentary Ethics Regulations



Figure 4. Share of EU27+UK with Ethics Bodies in Parliament

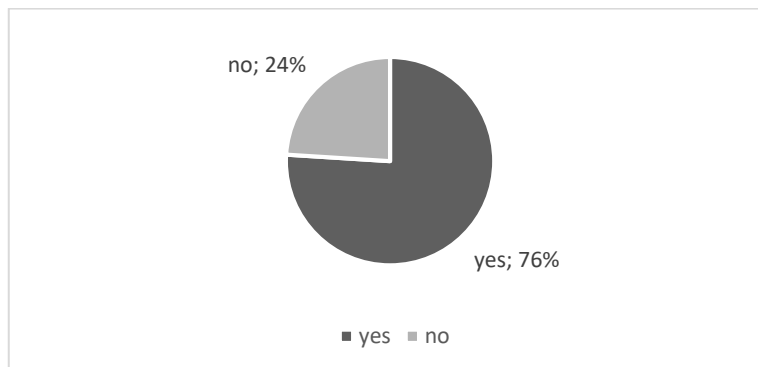


Figure 5. EU27+UK with Parliamentary Ethics Bodies



Figure 6. Share of Ethics Oversight/Enforcement Models

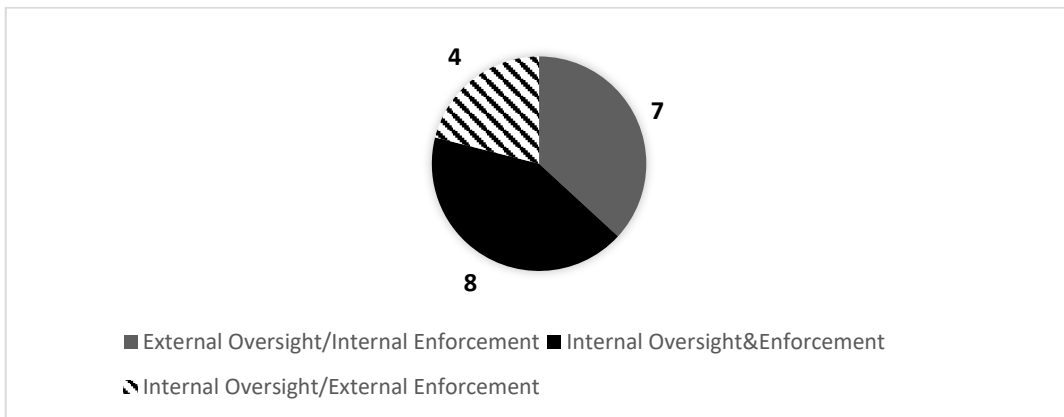
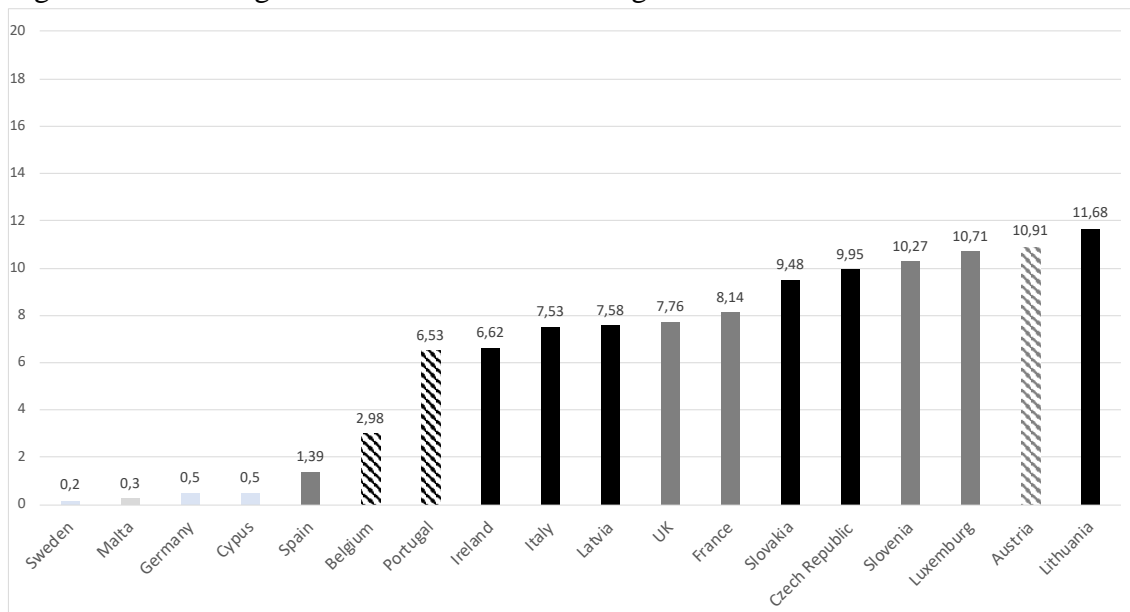


Figure 7. Distribution of Ethics Oversight/Enforcement Models EU27+UK



Figure 8. Ethics Regulation Robustness according to National Parliaments



Annexe 1

ETHICS ROBUSTNESS INDEX

<i>Normative Assumptions</i>	<i>Indicator</i>	<i>Scores</i>	<i>Max Score</i>				
<p><i>The extent to which the existing norms are legally binding may render the ethical regulatory system more or less robust, hence the scaled scores.</i></p> <p><i>However, it is common that several legal instruments coexist and that rules are dispersed, hence the cumulative scoring.</i></p> <p><i>The universe of application of regulations also contributes to the robustness of the system and address possible principal-agent problems, especially in positions closer to political officeholders.</i></p> <p><i>Independence of the oversight from the regulatees is a key feature of the robustness the system. Not being appointed by the regulatees may ensure these will not appoint a too-friendly individual.</i></p>	<p>1. In which legal documents are those principles, regulations and procedures laid down? Please select all that apply.</p>	The Parliament's Standing Orders/Rules of Procedure	0,4	1			
		The Parliament's Code of Conduct (or similar ethics and conduct regime)	0,3				
		A parliamentary resolution	0,2				
		Other applicable laws and regulations	<u>0,1</u>				
	<p>2. Are those principles, regulations and procedures extensive to other officeholders related to parliamentary business? Please select all that apply.</p>	<p>Yes, they are also extensive to...</p>	Party group supporting staff (advisers, researchers, interns and other appointees)	0,5	1		
			Parliamentary staff (officers and employees)	0,25			
			Other	0,25			
			No, they are only applicable to MPs	0			
			<p>3. How is the Chairperson of the oversight ethics body appointed?</p>	<p>By the Speaker</p>		0	1
						By the plenary	
		Selected among the members of the body (if a collegial entity)	1				

Like the previous indicator, the immovability of the Chairperson grants him more independence and hence more robustness to the ethics regulatory system.

Different aspects of the lives and activities of Members of parliament and other stakeholders may give rise to conflict between their private and public office. Yet, the oversight bodies may not have the mandate to cover all these aspects.

	By the most senior official in Parliament (i.e. Secretary General/Director General/Senior Clerk/Chief of Staff)	0,75	
	Not applicable/Don't know	0	
4. Can the Chairperson of the ethics oversight body be removed prior to completing of his/her mandate?	Yes	0	1
	No	1	
	Not applicable /Don't know	0	
5. What is the scope of ethics oversight of the Members' conduct under the various authorizing rules and statutes? Please select all that apply.	Conflicts of interest related to parliamentary business in general	0,1	1
	Outside employment or remunerated activities (boards or committees of companies, law firms or consultancies, public relations firms and media, etc)	0,1	
	Outside nonremunerated occupations and memberships (non-governmental organisations, associations or other legal entities, etc)	0,1	
	All matters relating to the Parliament's Code of Conduct	0,1	
	Any holding or partnership, where there are potential public policy implications or where that holding gives the Member significant influence over the affairs of the legal entity in question	0,1	
	Gifts, hospitality and travel invitations	0,1	

The role of oversight bodies may change across different systems. Some may only have a consultative role for guidance of MPs, while other may enjoy more and stronger powers, like investigation prerogatives. Thus the score of this indicator is both scaled (from the weakest to the strongest power) and cumulative (as some bodies may enjoy more than one of these powers).

	Campaign contributions	0,1	
	Any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to the Member in connection with his or her political activities by third parties	0,1	
	Asset, liabilities and interest disclosure	0,1	
	Other financial interests which might influence the performance of the Member's duties	0,1	
	Don't know	0	
6. What functions does the ethics oversight body have regarding the conduct of Members of Parliament? Please select all that apply.	Interpretative and advisory (on matters of conduct)	0,13	1
	Oversight/monitoring (of asset declarations, incompatibilities and impediments and registers of interests)	0,2	
	Investigative (of allegations of misconduct)	0,27	
	Disciplinary	0,33	
	Ethics induction (training on parliamentary rules and procedure, in particular ethical standards)	0,07	
	Don't know	0	
	Acting on its own initiative	0,33	1

The independence for action can contribute to the robustness of the regulation. If a body can only act on the complaints of those who it regulates, then its autonomy to act is reduced. As the previous indicator, the scoring is both scaled and cumulative.

7. How can the ethics oversight body summon, question or open a disciplinary proceeding against a Member/representative for unethical conduct? Please select all that apply	Acting on Members' complaints, including the Speaker	0,07	
	Acting on external complaints	0,2	
	Acting by request of an external body (court, anticorruption specialized agency, audit body, etc.)	0,13	
	Acting on media reports	0,27	
	Don't know	0	
8. Is the ethics oversight body required to act upon any known allegation?	Yes, it has always to act upon a known allegation	1	1
	No, it can decide when to act based on a case-by-case assessment	0,5	
	Not applicable /Don't know	0	
9. Is there an online complaints-form and/or official e-mail for members of the public to report alleged misconduct to the ethics oversight body? Please select all that apply.	Yes	1	1
	No	0	
	Don't know	0	
10. Can the ethics oversight body act upon anonymous reports/complaints?	Yes, all complaints must be considered	1	1
	Yes, if it is supported by sufficient evidence of an alleged breach of the rules and procedures	0,66	
	No, all complaints must be made in writing and signed	0,33	

The obligation of body to act on all known allegations renders more difficult to capture or influence the body to dismiss an investigation or other initiative for the benefit of the individual(s) and/or parliamentary group(s) in question.

Accessible and transparent complaint-channels make oversight bodies more open to society and more likely to received external complaints or information.

Whistleblower protection norms establish that the anonymity in complaints make people more comfortable to denounce illicit or irregular behaviour, as they are protected from reprisals.

At times, oversight bodies may come across information that goes beyond the violation of ethics rules, but amounts to criminal behaviour. The possibility and autonomy of the body to report to authorities makes the regulatory systems more robust.

Please refer to question 3. When the oversight body is the same as the enforcement body, the question was answered twice.

Please refer to question 4. When the oversight body is the same as the enforcement body, the question was answered twice.

There is a range of sanctions that parliaments or enforcement bodies have at their disposal to punish offenders, which makes the scoring of this indicator cumulative. Sanctions to MP are a sensitive issue given the nature of their representative mandate.

Therefore, the range of sanctions applicable to MPs range in severity. Besides being cumulative, the scoring in this indicator is also in scale.

	Don't know	0	
11. Can the ethics oversight body report unfounded allegations by members of the public to judicial authorities?	Yes	1	1
	No	0	
	Not applicable /Don't know	0	
12. How is the Chairperson of the ethics enforcement body appointed?	By the Speaker	0,25	1
	By the plenary	0,5	
	By the most senior official in Parliament (i.e. Secretary General/Director General/Senior Clerk/Chief of Staff)	0,75	
	Selected among the members of the body (if a collegial entity)	1	
	Not applicable /Don't know	0	
13. Can the Chairperson of the ethics enforcement body be removed prior to completing of his/her mandate?	Yes	0	1
	No	1	
	Not applicable /Don't know	0	
14. Which disciplinary powers can be brought forward against the unethical conduct of a Member of Parliament? Please select all that apply.	Formal warning/Call to order	0,035	1
	Noted/recorded reprimand	0,07	
	Member's formal apology to parliament	0,10	
	Temporary suspension from parliamentary duties/Naming of a Member	0,14	
	Suspension of salary and benefits	0,17	
	Expulsion/loss of mandate	0,21	

	Electoral disqualification in future elections	0,24	
	Other measures	0,035	
	Not applicable/ Don't know	0	
	15. Do Members of Parliament have a right to be heard, bring evidence and contest the allegations during the instruction phase of the disciplinary proceedings?		
	Yes	1	1
	No	0	
	Not applicable /Don't know	0	
	16. If disciplinary measures are decided and enforced internally by the ethics body, what are the voting procedures?		
	There are no voting procedures	<u>0,33</u>	1
	Single majority	<u>0,66</u>	
	Qualified majority	1	
	Not applicable/Don't know	0	
	17. Are these disciplinary measures subject to parliamentary review?		
	Yes, by a designated parliamentary committee	0,33	1
	Yes, by a plenary sitting	0,66	
	No	1	
	Don't know	0	
	18. How is the plenary vote on these disciplinary decisions taken?		
	By single majority	<u>0,5</u>	1
	By qualified majority	<u>1</u>	
	Not applicable /Don't know	<u>0</u>	
	19. Are the final disciplinary decisions made public?		
	Yes	1	1
	No	0	
	Not applicable /Don't know	0	
	Internal communication (to Members only)	0,1	1

Parliamentary review of disciplinary measures means that the regulated subjects have a saying in the sanctions imposed on them, thus weakening the enforcement. There is a risk that MPs may collude to protect one of their peers. The smaller the group in charge of the review, e.g. a parliamentary committee, the higher the chances of collusion.

The collusion risks address in question 17 apply.

Transparency and public accountability instruments increase the robustness of the ethics regulatory system.

Same as above. The nature of the transparency and public accountability instruments varies, as well as its reach. An annual

report, for instance, has less public reach than a press release, thus being attributed less weight in the scoring. However, several instruments may co-exist, hence the cumulative nature of the scoring.

20. If yes, how are the final disciplinary decisions publicized? Please select all that apply.

Annual Report	0,2
Website	0,3
Press release	0,4
Not applicable/ Don't know	0