



DG TRADE - Ethics

Guide on gifts, hospitality and favours

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1 Introduction

As part of a public organisation it is clear that Commission staff must be seen to be beyond reproach and avoid situations of conflict of interest in the performance of their duties. Besides real and potential conflicts of interest, **apparent** conflicts of interest must also be avoided. In the context of gifts this principle is formalised under article 11 of the Staff Regulations¹ which stipulates that, as a general rule, officials should not accept gifts from governments or any other source outside the institution without obtaining prior permission from the Appointing Authority (AA).

The term **gifts** should be interpreted widely and covers presents, meals, hospitality, favours, payments, decorations etc or any other benefit in kind which can be seen as having some kind of value for the recipient.

1.1 Basic principles

It is recommended that:

- All offers of gifts that have more than merely symbolic value (such as diaries, calendars, small desk items etc) or which go beyond customary diplomatic hospitality **are refused** if possible.
- Advance **transparency** towards your hierarchy should be ensured at all times whether you intend to accept or refuse a gift, irrespective of its value. Furthermore an audit trail providing proof of such exchanges should exist.

Despite the above it is acknowledged that:

- In practice, a staff member may find him/herself in a position where it would be very difficult to refuse a gift without causing offence;
- Or equally, that it may not be possible to discuss with your hierarchy in advance (this is often the case when on mission and a *free* lunch or dinner is offered) whether a gift should be accepted.

¹ Article 11, SR: An official shall not without the permission of the appointing authority accept from any government or from any other sources outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

In case of the latter, it is clear that a pragmatic approach should be adopted: If you believe that it is in the interests of the DG to accept the offer (because, for instance, you need to continue discussions with the respective partner or because you feel it would cause offence to refuse) and there is no issue of conflict of interest then you should do so, but ensure that you **inform your line manager as soon as reasonably possible**.

As to whether gifts/hospitality offered/received may be accepted/kept different procedures are applicable depending on the value of the gift in question. **However, as a general principle you are strongly urged to be particularly careful about accepting any form of gift offered in relation to your work at the Commission.**

2 The various scenarios and applicable procedures

The Commission ethical framework groups gifts into 3 main categories based on their value. This categorisation determines how the particular gift should be treated, depending on whether you wish to keep the gift in question or not. The following main scenarios exist:

1. Gifts/hospitality with a value up to €50 which you wish to accept/keep;
2. Gifts with a value up to €50 which you wish to donate to charity;
3. Gifts/hospitality with a value greater than €50 up to €250 which you wish to accept/keep;
4. Gifts with a value greater than €50 which you wish to donate to charity;
5. Gifts with a value greater than €250

2.1 Gifts with a value of up to €50 which you wish to accept/keep

If you have received/are offered a low value gift and wish to keep/accept it there is no **formal** obligation to request permission to do so. *New guidelines on gifts and hospitality with a low value will be communicated to staff in the course of 2012. The existing Gifts register is abandoned. For more information contact the ECO- Ron ter Bogt. Tel. 55516*

Gifts with a value of up to €50 which you wish to donate to charity

In those cases where you are offered/have received a low value gift that you wish to donate to charity, use should be made of the Simplified declaration of receipt of a low value gift to be donated to charity. Correct completion of this form will ensure that receipt of the gift is included in the register, that an appropriate audit trail of transparency vis-à-vis your hierarchy is preserved and that the gift in question is transmitted to the ECO, who will forward it to OIB.OS.1 - DAV 1 1/255 with an accompanying letter.

2.2 Gifts with a value greater than €50 up to €250 which you wish to accept/keep

If you are offered/receive a gift with a value greater than €50 (but not more than €250) and you wish to accept/keep it, **you need to obtain permission from the Appointing Authority (AA)** to do so and ensure its correct registration in your Directorate level gift register. This is done by completing an Application for authorisation to accept a gift. Additionally it should be noted that, in the event you receive several gifts from the same source, it will be necessary to donate any items offered/received to charity from the moment the cumulative value exceeds €250. In this case recourse should be made to the procedure described in 2.4 below.

2.3 Gifts with a value greater than €50 which you wish to donate to charity

If you are offered/receive a gift with a value greater than €50 which you wish to donate to charity you should complete a copy of the declaration of receipt of gifts with a value greater than €50 to be donated to charity; as it is still necessary to record its receipt in the gifts register. Correct completion of the form will ensure that your management is informed of the gift, that it is appropriately included in the gift register and will allow the ECO to further it to OIB for further handling.

2.4 Gifts with a value greater than €250

Gifts or other benefits with a value greater than €250 may not normally be kept by the staff member concerned. Nevertheless these gifts must still be declared in the gifts register following the same procedure as set out in 2.4 above before being submitted to the Ethics Compliance Officer (ECO) for despatch to OIB for further handling.

2.5 Authorisation

When deciding on whether to authorise the gift/favour the AA will consider the motive behind offering it, its value, the possible consequences for the Commission's interests, the number of gifts, favours or payments from the same source or the total number you receive during the course of a year. In light of this information, and if s/he considers that there is no conflict of interest issue, the Director General may authorise you to accept the gift, favour or payment if its value is **less than or equal to €250 in any given year**. More expensive gifts which according to the DG raise no conflict of interest may be accepted and retained as Commission property, or donated by the Commission to charity.

2.6 Overview of the different application/declaration processes depending on the value, and proposed treatment, of the gift

Actor	Value less than €50 - donate	Value greater than €50 (not more than €250) - keep	Value greater than €50 - donate
Individual staff member submits application / declaration	Complete simplified declaration form for low value gift for donation to charity (annex I).	Complete standard application form requesting permission to keep gift (annex II).	Complete standard declaration for gifts with a value greater than €50 to be donated to charity (annex III)
Approval line manager	Formal approval not required but transparency should be ensured by including HoU in circulation sheet for information.	Yes	Yes
Technical review ACA	Not required	Yes	Yes
Approval AA (Director or Director General)	Not required	Yes	Yes
Input to gifts register	Yes (ensure the declaration is registered in ARES and that a	Yes (ensure the application is registered in ARES and that a	Yes (ensure the declaration is registered in ARES and that a

(director secretary)	scanned version of the declaration is attached via hyperlink to the relevant entry in the gift register).	scanned version of the application is attached via hyperlink to the relevant entry in the gift register. A copy of the application must be sent to ADMIN B1).	scanned version of the application is attached via hyperlink to the relevant entry in the gift register.).
ECO	When all other steps completed, declaration form and gift to be transmitted to ECO.	N/A	When all other steps completed, declaration form and gift to be transmitted to ECO.
Staff member	Original document returned to author	Original document returned to author	Original document returned to author
ECO	Dispatches gift to OIB for further handling. Forwards copy of proof of receipt of gift by OIB to staff member concerned.	N/A	Dispatches gift to OIB for further handling. Forwards copy of proof of receipt of gift by OIB to staff member concerned.

3 Special cases

3.1 Decorations and honours

Commission staff should not accept any honours or decorations from any government except for services rendered before their appointment, without first obtaining prior permission, as this could create the perception that the honour has been granted for services rendered to a national government while nevertheless working for the Commission. This principle is also applicable to former staff if the decoration or honour has any link with their work at the Commission.

For more information on the rules in relation to decorations and honours please consult the HR intranet site on [decorations and honours](#).

These gifts should also be recorded in the gifts register with a scanned version of the relevant authorisation being attached to the relevant entry via hyperlink.

3.2 Ethical considerations in relation to missions

In the case of missions a distinction should be made between:

- *gifts* received which have an impact on the total mission cost;
- other types of *gift*.

3.2.1 ORG missions

Missions for which a third party covers all or part of the expenses (travel, accommodation, meals) associated with the mission, should be treated as *ORG missions* when selecting the mission type in MiPs for the mission order.

However, before drawing up a mission order the mission holder **should first discuss the appropriateness of accepting this gift with their hierarchy** to ensure that there are no ethical considerations which would preclude acceptance. The details of this discussion and its conclusion should be noted in MiPs in the free text dialogue box. This text should, at the least, state that the matter has been discussed with the hierarchy and provide the rationale justifying why acceptance of this 'gift' does not raise any ethical/conflict of interest issues. **Subsequent authorisation of the mission by your line manager represents (amongst others) confirmation that the discussion has taken place and that the line manager concerned agrees with the assessment that the mission does not raise any conflict of interest issues.**

As a general principle DG TRADE staff should **not accept** that any part of the cost of a mission is paid for by a third party **if that third party has a contract managed by their unit**. Nevertheless, with a view to leveraging our allocated mission budget to maximum effect, if it can be objectively demonstrated that acceptance would not represent a potential conflict of interest, then this principle may be deviated from by way of **exception**. This means that, in addition to following the steps set out above to ensure transparency, **an exception note setting out the relevant facts which clearly demonstrates why there is no conflict of**

interest should be drawn up by the relevant Director for the attention of the Director General, with copy to the mission holder and the Ethics Correspondent (HoU unit A1).

As ORG missions represent a *gift/favour* they need to be entered into the gifts register. This should be done by attaching a scanned version of the relevant mission report and hospitality annex via hyperlink to the relevant entry in the gifts register.

It should be noted gifts/favours received in the context of an ORG mission are not subject to the thresholds otherwise applicable for authorising the acceptance of gifts.

3.2.2 Air miles

As a general principle it is recommended that you do **not** claim frequent flyer miles earned from undertaking DG TRADE missions as this could be perceived as obtaining a personal benefit whilst on Commission business (which is ultimately paid for by the tax payer).

In any case it should be noted that the PMO will only reimburse expenses declarations on the basis of the **original** supporting documents (such as boarding passes), as only the originals constitute accounting documents under article 100 of the Implementing Rules of the Financial Regulation. Expense declarations which are not backed up by the original documents should **not** be signed by line management.

Nevertheless it is understood that documents in certain cases can get lost. In this case it will be necessary to draft an explanatory note to the PMO which will then need to be signed by the Director General.

3.2.3 Other types of gift received whilst on mission

On the other hand, a separate gift which has nothing to do with mission costs, such as pens, paperweights, diaries, books etc, fall under the standard rules and must therefore be the subject of a separate declaration and included in the gifts register.

3.3 Declaration rules for gifts/hospitality received in the context of Trade Defence missions

Type of gift/favour	Conditions for acceptance	Ex-ante authorisation	Treatment in MiPs	Registration requirements
Company books local hotel/local transportation.	Allowed if no other option is feasible and as long as this is done at commercial rates (the organisation should NOT pay the associated costs)	Transparency towards the hierarchy ensured via mission order mentioning the fact that local organisation is booking the hotel/local means of transport.	N/A	Mission holders should explicitly document that no costs were actually covered by the third party (e.g. by attaching an invoice issued by the hotel to the mission report). Otherwise no requirement to declare in the gifts register.
Company provides transport for DG TRADE staff from airport/train station to organisation premises or hotel.	No other reasonable alternative for DG TRADE staff to get from A to B (very often taxis are difficult to find and public transport is not a viable alternative).	Transparency towards the hierarchy is ensured via the mission order mentioning the fact that the company under investigation will provide necessary transport from airport/train station. (This information will normally be known in advance). This can be entered in MiPs in a free text dialogue box.	Treat as ORG mission - Include as a forfeitary amount in the expense declaration (25% of total daily allowance, but not deducted)	At times it can be difficult to establish the value of this favour. If not possible an estimate of the cost should be made based on the distance between A and B and the time travelled. This information should be included in the mission report prepared to substantiate the expense declaration.
Meals in staff canteen at the organisation's expense.	Only if there is no provision for 'outsiders' to the organisation to actually pay themselves. Should not be luxurious or excessive.	Transparency towards the hierarchy ensured via ensuring that the mission order mentions the fact that the company under investigation will provide lunches on their premises. (This information is likely to be known in advance or at least anticipated as a possibility). This can be entered in MiPs in a free text dialogue box.	Treat as ORG mission - Include as a forfeitary amount in the expense declaration (30% of daily allowance).	At times it can be difficult to establish the value of this favour (in some countries part of pay package for employees – no available menu with prices or tills at which to pay). If not possible an estimate of the cost should be made. This information should be included in the mission report prepared to substantiate expense declaration..

Evening meals in a restaurant with representatives of the organisation/company and the latter picks up the bill.	If the mission lasts for more than one evening, you should avoid accepting such hospitality for each evening of the stay unless no other viable alternative (there may only be one restaurant in the village/town and no possibility to eat in the hotel). The restaurant should not be luxurious or excessive.	Transparency towards the hierarchy ensured via ensuring that mission order mentions the fact that the company under investigation may invite mission holder to a restaurant for an evening meal. (This information is likely to be known in advance). This can be entered in MiPs in a free text dialogue box.	Treat as ORG mission - Include as a forfeitary amount in the expense declaration (30% of daily allowance).	At times it can be difficult to establish the value of this favour. If not possible an estimate of the cost should be made. This information should be included in the mission report prepared to substantiate expense declaration.
Any other types of gifts	See general guidance on the acceptance of gifts.			

4 Annex I – Simplified declaration of receipt of a low value gift for donation to charity (up to €50)



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE

Simplified declaration of receipt of a low value gift for donation to charity

(Article 11 of the Staff Regulations, Articles 11, 54, 81 and 124 of the CEOS)

RECIPIENT

SURNAME/FIRST NAME:..... Personnel No:.....
Administrative status: official/temporary staff/contract staff/auxiliary staff
Grade:.....
Office address: Tel.:.....
DG, Directorate, Unit:
Description of duties:.....

OBJECT OF THE DECLARATION

I have received the following gift with an estimated value of € (*insert value*), from (*insert donor name*), which I wish to donate to charity (*insert gift description*).

Other gifts or favours received from the same source during the past 12 months (*insert details as appropriate*).

Actor	Name	Paraphe
Staff Member		
Line manager		
Directorate Secretary		
ECO		

Please note the following:

A copy of this declaration and the accompanying routing slip should be registered in ARES.

ROUTING SLIP

Subject: - Simplified declaration of receipt of a low value gift for donation to charity

CIRCULATION ORDER HEADS OF UNIT, AD5-AD 14, ALL AST STAFF, END AND CONTRACTUAL STAFF,	CIRCULATION ORDER DIRECTORS	CIRCULATION ORDER DIRECTOR GENERAL'S TEAM, DEPUTY DIRECTORS GENERAL,
AUTHOR	AUTHOR	AUTHOR
HEAD OF UNIT – VISA (DIRECTOR FOR HOUs)	DIRECTOR GENERAL - VISA	DIRECTOR GENERAL - VISA
DIRECTORATE SECRETARY VISA TO CONFIRM INPUT IN GIFT REGISTER AND ARES.	DIRECTORATE SECRETARY VISA TO CONFIRM INPUT IN GIFT REGISTER AND ARES.	DIRECTOR GENERAL'S SECRETARIAT VISA TO CONFIRM INPUT IN GIFT REGISTER AND ARES.
ECO (VISA TO CONFIRM RECEIPT OF GIFT FOR TRANSMISSION TO OIB)	ECO (VISA TO CONFIRM RECEIPT OF GIFT FOR TRANSMISSION TO OIB)	ECO (VISA TO CONFIRM RECEIPT OF GIFT FOR TRANSMISSION TO OIB)
RETURN ORIGINAL TO AUTHOR	RETURN ORIGINAL TO AUTHOR	RETURN ORIGINAL TO AUTHOR

5 Annex II - Application for authorisation to accept a gift with a value greater than €50 up to €250



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE

Application for authorisation to accept a gift or favour (Article 11 of the Staff Regulations, Articles 11, 54, 81 and 124 of the CEOS)

APPLICANT

SURNAME/FIRST NAME: Personnel No:.....

Administrative status: official/temporary staff/contract staff/auxiliary staff

Grade:.....

Office address:..... Tel.:.....

DG, Directorate, Unit:

Description of duties:.....

OBJECT OF THE APPLICATION

I have received/been offered the following gift with an estimated value of € (*insert value*),
from (*insert donor name*), which I would like to keep/accept (*insert gift description*).

Other gifts or favours received from the same source during the past 12 months (*insert details as appropriate*).

I believe that it would have caused/would cause offence to refuse this gift or favour
because:.....

.....

and that by accepting it I am not in any way compromising my independence or my ability to
carry out my duties exclusively with the interests of the Commission in mind, for which
reasons I am requesting permission to accept this gift.

SURNAME/FIRST NAME:.....	POSITION:.....
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SIGNATURE:.....DATE:.....

OPINION OF LINE MANAGER

application accepted/rejected

If rejected, give reasons:

.....

.....

.....

.....

SURNAME/FIRST NAME:.....POSITION:.....

SIGNATURE:.....DATE:.....

TECHNICAL REVIEW OF THE ACA

SURNAME/FIRST NAME:.....POSITION:.....

SIGNATURE:.....DATE:.....

COMMENTS (If ANY).....

.....

APPOINTING AUTHORITY (AA) DECISION

APPLICATION ACCEPTED/REJECTED¹

SURNAME/FIRST NAME:POSITION:.....

SIGNATURE:.....DATE:.....

Please note the following:

- The original document should be kept by the individual;
- A copy of the declaration should be sent to Unit HR. B.1.
- A copy of this declaration and the accompanying routing slip should be registered in ARES.

ROUTING SLIP

Subject: Application for authorisation to accept a gift or favour

CIRCULATION ORDER HEADS OF UNIT, AD5-AD 14, ALL AST STAFF, END AND CONTRACTUAL STAFF,	CIRCULATION ORDER DIRECTORS	CIRCULATION ORDER DIRECTOR GENERAL'S TEAM, DEPUTY DIRECTORS GENERAL,
AUTHOR	AUTHOR	AUTHOR
HEAD OF UNIT VISA		
DIRECTORATE ACA TECHNICAL VISA	DIRECTORATE ACA TECHNICAL VISA	DIRECTORATE ACA TECHNICAL VISA
DIRECTOR VISA	DIRECTOR GENERAL VISA	DIRECTOR GENERAL VISA
DIRECTORATE SECRETARY VISA TO CONFIRM INPUT IN REGISTRY, ARES AND DESPATCH OF COPY TO DG HR B1	DIRECTORATE SECRETARY VISA TO CONFIRM INPUT IN REGISTRY, ARES AND DESPATCH OF COPY TO DG HR B1	DIRECTOR GENERAL'S SECRETARIAT VISA TO CONFIRM INPUT IN REGISTRY, ARES AND DESPATCH OF COPY TO DG HR B1
RETURN ORIGINAL TO AUTHOR	RETURN ORIGINAL TO AUTHOR	RETURN ORIGINAL TO AUTHOR

6 Annex III - Declaration of receipt of gifts with a value greater than €50 to be donated to charity.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE

Declaration of receipt of gifts with a value greater than €50 to be donated to charity.

(Article 11 of the Staff Regulations, Articles 11, 54, 81 and 124 of the CEOS)

APPLICANT

SURNAME/FIRST NAME:Personnel No:.....

Administrative status: official/temporary staff/contract staff/auxiliary staff

Grade:.....

Office address:..... Tel:.....

DG, Directorate, Unit:

Description of duties:.....

OBJECT OF THE APPLICATION

I have received the following gift with an estimated value of € (*insert value*), from (*insert donor name*), which I wish to donate to charity (*insert gift description*).

Other gifts or favours received from the same source during the past 12 months (*insert details as appropriate*).

I believe that it would have caused/would cause offence to refuse this gift or favour because:.....

.....

and that by accepting it on behalf of the Commission I am not in any way compromising my independence or my ability to carry out my duties exclusively with the interests of the Commission in mind.

SIGNATURE:.....DATE:.....

LINE MANAGER

SURNAME/FIRST NAME:.....POSITION:.....

SIGNATURE:.....DATE:.....

COMMENTS (IF ANY).....

.....

TECHNICAL REVIEW OF THE ACA

SURNAME/FIRST NAME:.....POSITION:.....

SIGNATURE:.....DATE:.....

COMMENTS (IF ANY).....

.....

APPOINTING AUTHORITY

SURNAME/FIRST NAME:POSITION:.....

SIGNATURE:.....DATE:.....

COMMENTS (IF ANY).....

.....

ECO CONFIRMATION OF RECEIPT OF HIGH VALUE GIFT

SURNAME/FIRST NAME:POSITION:.....

SIGNATURE:.....DATE:.....

Please note the following:

- The original document should be kept by the individual;
- A copy of the declaration should be sent to Unit HR. B.1.
- A copy of this declaration and the accompanying routing slip should be registered in ARES.

ROUTING SLIP

Subject: Declaration of receipt of gifts with a value greater than €50 to be donated to charity.

CIRCULATION ORDER HEADS OF UNIT, AD5-AD 14, ALL AST STAFF, END AND CONTRACTUAL STAFF,	CIRCULATION ORDER DIRECTORS	CIRCULATION ORDER DIRECTOR GENERAL'S TEAM, DEPUTY DIRECTORS GENERAL,
AUTHOR	AUTHOR	AUTHOR
HEAD OF UNIT VISA		
DIRECTORATE ACA TECHNICAL VISA	DIRECTORATE ACA TECHNICAL VISA	DIRECTORATE ACA TECHNICAL VISA
DIRECTOR VISA	DIRECTOR GENERAL VISA	DIRECTOR GENERAL VISA
ECO VISA TO CONFIRM RECEIPT OF GIFT	ECO VISA TO CONFIRM RECEIPT OF GIFT	ECO VISA TO CONFIRM RECEIPT OF GIFT
DIRECTORATE SECRETARY VISA TO CONFIRM INPUT IN REGISTRY, ARES AND DESPATCH OF COPY TO DG HR B1	DIRECTORATE SECRETARY VISA TO CONFIRM INPUT IN REGISTRY, ARES AND DESPATCH OF COPY TO DG HR B1	DIRECTOR GENERAL'S SECRETARIAT VISA TO CONFIRM INPUT IN REGISTRY, ARES AND DESPATCH OF COPY TO DG HR B1
RETURN ORIGINAL TO AUTHOR	RETURN ORIGINAL TO AUTHOR	RETURN ORIGINAL TO AUTHOR

7 Annex IV - List of actors in the DG TRADE gift declaration process

Staff Member	Appointing Authority (AA ²)	ACA ³	Secretaries/assistants ⁴
Director General's team Deputy Directors General Directors	Peter Sandler (f.f.)		Silvana Patat Judit Szarka Marta Krynicka
Units/staff attached directly to the Director General	Peter Sandler (f.f.)		H.O. – Valérie Laurent-Caullery 01 – Katerina Oresanska
Staff of Directorate A	Peter Sandler (f.f.)		Linda Gilissen
Staff of Directorate B	Rupert Schlegelmilch	Bénédicte Bronchart	Kit Gardner
Staff of Directorate C	Mauro Petriccione	Séverine Casteleyn	Ginette Liénard
Staff of Directorate D	Peter Thompson	Marcela Krejcikova	Christine Claus
Staff of Directorate E	Ignacio Garcia Bercero	Karen Brady	Diane Engelen
Staff of Directorate F	Ditte Juul Joergensen (f.f.)	Marie-Jo De Block	Laurence Vanham
Staff of Directorate G	Signe Ratso	Kat Wittevrongel	Marika Ylitolva
Staff of Directorate H	Jens Schaps	Andrea Burkardt	Mariella Vancaster

² The AA takes the final decision as to whether the gift may be accepted or not

³ The ACA carries out the formal compliance checks of the completed form after the relevant HoU has given a first approval/rejection to keep the gift

⁴ The secretary/assistant encodes the details in the gifts registry.