



DG TRADE

Guide on outside activities and assignments

CONTENTS

1	Introduction.....	2
1.1	What is the definition of an outside activity or assignment?	2
1.2	What is the maximum net remuneration permitted from an external activity?.....	2
1.3	What sorts of activities are permitted?.....	3
1.4	What should you do if you wish to engage in an external activity or undertake an assignment?.....	4
2	Rules governing officials in active employment wishing to engage in an external activity or assignment (subject to €4,500 limit).....	5
3	Rules governing officials on leave on personal grounds.....	7
3.1	Work dealing with active service in the Commission.....	7
3.2	Contracts with the Commission.	7
4	Rules governing officials who have left the service of the European Commission	9
4.1	Rules governing former officials receiving a retirement pension or non-active status or retired in the interests of the service.....	10
4.2	Rules governing officials receiving an invalidity allowance or invalidity pension....	10
5	Form 1.....	11
6	Form 2.....	14
7	Form 3.....	18
8	Application for leave on personal grounds	20
9	Standard contract for former officials carrying out work for the Commission.....	27

1 Introduction

As Commission officials or other agents we must remember that what we do or the way we behave, both in our private lives as well as at the workplace, can have an impact on the performance of our duties and/or the interests of the institution.

Therefore, when assessing whether an application to undertake an external activity or assignment should be authorised, the Appointing Authority (AA) needs to be sure that:

- A transparent and coherent approach has been adopted; and
- The interests of the institution are safe-guarded and potential conflicts of interest are avoided.

These principles are formally set down in the Staff Regulations and Commission decision C(2004)1597 of 28/04/04 and **apply to officials who are:**

- In active employment;
- On leave on personal grounds,
- No longer employed by the Commission.

1.1 *What is the definition of an outside activity or assignment?*

Commission decision C(2004)1597 defines three main categories of external activities:

- *Outside activities:* any other activity, **paid or unpaid** that is of an **occupational character** or goes otherwise **beyond what can be reasonably considered a leisure activity.**"
- *Public office* – any public office, paid or unpaid that is filled following an election or otherwise
- *Assignment* – the taking-on of a defined, time-limited task.

Activities carried out in the framework of a **mission** ordered by the Appointing Authority **do not qualify as external activities** and officials may not accept any remuneration that is offered in exchange for work done (such as a conference or presentation) in this context. However, where appropriate¹, the costs of the mission should be paid by the organising body and such reimbursement must be declared and deducted from the official's mission costs.

1.2 *What is the maximum net remuneration permitted from an external activity?*

The combined net remuneration of all assignments or outside activities may not exceed €4,500 per annum. Any excess above this amount must be handed over to the appointing authority.

Royalties received for publications shall be **excluded** from the calculation of net remuneration.

Officials given a prize or award for an assignment or outside activity are required to apply to the Appointing Authority if they wish to keep it in accordance with the rules on accepting gifts and hospitality. **Exceptionally the value of the prize or award is not relevant in this case.**

¹ See note: Key principles to remember concerning gifts and note to all staff of 22/09/09 D(2009)8796 concerning missions.

1.3 What sorts of activities are permitted?

The types of activities and assignments that may be undertaken differ and are subject to different conditions depending on whether you are:

- in full or part-time active employment,
- on leave on personal grounds,
- a former official.

Official's status	Main principles
Officials in active, full time employment:	<p>In general requests will be granted if the activity or assignment in question does not create a real or perceived conflict of interest or otherwise have a negative impact on the interests of the institution. However, certain types of activities are only permitted if certain criteria are met and some are specifically prohibited.</p> <p>For more information in relation to external activities or assignments when in active employment and how to make an application please go to: section 2</p>
Officials working part time	<p>Permission is in principle granted if the activities or assignment in question are unpaid and not incompatible with the reasons for which part-time work has been authorised.</p> <p>If the application is combined with an authorisation to work part time following election or appointment to public office the activities will normally be permitted if the activities are directly related to the reasons for which part-time work has been authorised.</p> <p>For officials in this situation the same guidance and application forms are applicable as for officials in full time active employment, (ie: for further information please consult: section 2</p>
Officials on leave on personal grounds	<p>In principle permission will be granted by the AA except where the assignment or activity could give rise to a conflict of interest or be detrimental to the interest of the Communities. Applications to the AA must therefore include adequate information to permit the AA to make an informed assessment when deciding whether to authorise the activity.</p> <p>Additional restrictions may be imposed when the activity relates to subjects or policy areas previously dealt with by the official when in active service and in particular concerning contracts with the Commission.</p> <p>For more detailed information on the rules governing external activities when on leave on personal grounds please go to: section 3.</p>
Former officials	<p>Officials leaving the institution are still bound by the obligations of loyalty and discretion and on leaving will be required to sign a declaration acknowledging their continuing obligations (arts 16, 17a and 19 or the SR).</p> <p>Former officials receiving a retirement pension or who are on non-active status or retired in the interests of the service may be authorised to undertake assignments or carry out activities under certain conditions.</p> <p>For more information please go to: section 4</p>

If you wish to apply for permission to engage in an outside activity or assignment, you should correctly complete the appropriate application form and submit it in a *signataire* through the hierarchical chain prior to commencing the activity in question.

1.4 What should you do if you wish to engage in an external activity or undertake an assignment?

In principle activities will be permitted if they do not represent a (potential) conflict of interest and if they do not pose a threat to the interests of the institution.

If you are considering undertaking an external activity you should **always apply for permission** to do so from the Appointing Authority² (AA) in accordance with article 12b of the Staff Regulations by:

- Correctly completing the appropriate application form to the AA;
- Providing all the necessary supporting documentation and information;
- Submitting the application to the AA in a signataire through your immediate superiors **at least 2 months before** the beginning of the activity.

The Appointing Authority shall respond to this request **within 1 month of receipt** of the application.

The period of validity for the activity will be stipulated in the subsequent authorisation but will, in principle, be valid for one year. **Subsequent applications** for prolongation or renewal must be made **at least two months before this period has elapsed**.

Unit A1 will record the request in a register, ensure that the correct procedure is followed and that the maximum permitted annual remuneration is not exceeded.

If you require further guidance on external activities you should not hesitate to contact the ECO (Caroline de Graef 68518 or Michel Dupon 86525). Additionally you may wish to refer to our internal code on ethics and integrity or the information on the *persadmin* website: http://www.cc.ccc/pers_admin/ethics/obligations/conflicts_interest_en.html

² The Appointing Authority is different depending on the nature of the activity in question and your particular function within the Commission.

If you are:

- Director General, Head of Service or equivalent (DG)
- Deputy Director-General or equivalent (DDG)
- 'Hors classe' adviser or equivalent (HCA)
- Director or equivalent (D)
- Chief adviser or equivalent (CA)

The AA is the Director General DG ADMIN

If you are:

- Adviser or equivalent (AL)
- Unit Head or equivalent (UH)
- Administrator or equivalent (ADM)
- Assistant or equivalent

The AA is your Director General.

2 Rules governing officials in active employment wishing to engage in an external activity or assignment (subject to €4,500 limit).

If the nature of the activity or assignment....	Permitted in principle?	Additional points to note.
Is Voluntary (ie: no remuneration)	Yes	As long as the activity is not so onerous as to be likely to impair the official's abilities to work for the Commission (or be otherwise detrimental to the interests of the Institution) and in particular fulfil his/her obligations under article 55 of the Staff Regulations ³ . Unpaid activities, which are of benefit to the Union , may qualify for special leave for half the number of working days involved up to a maximum of 12 days per year.
Is fulfilling the duties of public office following election or appointment whilst continuing to work	Yes	Exceptionally any payment made in this respect shall not count towards the €4,500 ceiling.
Is Educational (and academic including research)	Yes	Subject to a maximum of 100 hours per year; May not impinge on the official's ability to carry out their work for the Commission; May not be for a firm or company whose objects are commercial.
Constitutes Professional activities	No	N/A
Constitutes Commercial activities	No	N/A

All applications to engage in external activities or assignments will be assessed on a case by case basis. The important issues to consider when an activity or assignment is caught by Commission decision C(2004)1597 are whether the activity or assignment in question is:

- paid or unpaid,
- of an occupational character or otherwise going beyond what can reasonably be considered a leisure activity.

³ Art 55 of the SR

Officials in active employment shall at all times be at the disposal of their institution....an official may, moreover, be required because of exigencies of the service or safety rules to remain on standby duty at his place of work or at home outside normal working hours.

If you wish to request permission to engage in an external activity or assignment you should complete one of the forms below⁴ and ensure that the following information is included with your application:

- Application for permission to engage in an external activity or assignment – form 1
- Application for permission to engage in an external activity or assignment – form 2

⁴ Complete form 1 if you are:

- Director General, Head of Service or equivalent (DG)
- Deputy Director-General or equivalent (DDG)
- 'Hors classe' adviser or equivalent (HCA)
- Director or equivalent(D)
- Chief adviser or equivalent (CA)

Complete form 2 if you are:

- Adviser or equivalent (AL)
- Unit Head or equivalent (UH)
- Administrator or equivalent (ADM)
- Assistant or equivalent

3 Rules governing officials on leave on personal grounds

If you are an official **on leave on personal grounds** permission will in principle be granted to engage in an outside activity as long as the activity is not incompatible with the official's duty to conduct him/herself in a manner that is beyond suspicion in order to ensure that the relationship of trust between the institution and the official may at all times be maintained.

Therefore, when submitting an application to the AA (which in this case is DG ADMIN) the following information must be provided:

- A description of the official's activities during the last 3 years of active service;
- A description of the activity to be undertaken;
- Contact details of the potential employer and his/her fields of activity;
- The link with the official's functions exercised in the Commission (if any);
- Any other relevant information.

Any changes in one of the above circumstances must be notified to the AA without delay.

Additionally the official will be required to:

- Sign a declaration confirming that he/she has full knowledge of his/her ethical obligations as defined by decision C(2004)1597.
- Agree to the Commission making his/her name, position in and name of the undertaking publicly available.

3.1 *Work dealing with active service in the Commission*

Officials intending to undertake work requiring them to deal directly or indirectly with subjects that fall within a **policy area** in which the official has been working during the preceding three years of active employment may not do so without the **express authorisation** (i.e.: unless and until he/she has received written authorisation) from the AA.

Officials may **not** undertake work which will require them to work on **individual cases** they had worked on during the previous 3 years of active service.

Additionally the official may not participate in meetings or have contacts of a professional nature with his/her DG or service for a period of:

- 1 year where the official occupied a management function;
- 6 months in all other cases.

Depending on the nature of the information provided to the AA additional conditions may be imposed as deemed necessary by the AA to protect the institution's interests.

3.2 *Contracts with the Commission.*

As a general principle officials on leave on personal grounds **may not receive any remuneration** (other than a daily allowance or reimbursement of expenses) in the context of:

- Any direct contractual relationship between the Commission and an official on leave on personal grounds as an individual

- Any contractual relationship between the Commission and an undertaking in which an official on leave on personal grounds has directly or indirectly a significant financial interest.

Possible exceptions to the above are:

- Where an official has been granted leave on personal grounds to follow a spouse who is also an official (see also article 40, paragraph 2, second indent of the staff regulations).
- In the case of an urgent need by the Commission of the official's services. Remuneration may be granted but may not exceed the salary the official would have obtained if she had carried out the task when in active service (plus any reasonable expenses).

In any case complete transparency must be ensured by the concerned official vis-à-vis the Commission to permit an informed assessment by the AA when deciding whether to authorise the activity in question.

How should you apply for permission?

The application form to request permission for leave on personal grounds contains a section where you can also request permission to engage in an activity or assignment when on leave on personal grounds.

4 Rules governing officials who have left the service of the European Commission

Clearly any activity taken up after having left the Commission has the potential to create a conflict of interest or otherwise damage the interests of the institution. Former Commission officials are therefore still bound by certain obligations under articles 16, 17a and 19 of the Staff Regulations⁵. Additionally, upon leaving an official will be required to sign a declaration in which they acknowledge that they are aware of their continuing obligations under the Staff Regulations. Amongst others this means that they should not accept any duties or professional activities after leaving the service that would be incompatible with the interests of the institution and must refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.

Former officials wishing to apply for permission to engage in an activity or assignment after leaving the Commission should complete the attached form: form 3

Additionally for a period of 2 years after leaving the Commission any official wishing to engage in an outside activity or assignment must provide the AA with the following information:

- A description of the official's activities during the last 3 years of active service.
- A description of the activity to be undertaken

⁵ The relevant articles read as follows:

Article 16:

An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interest of the institution, the AA may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

Article 17a:

An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.

Without prejudice to articles 12 and 17, an official who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the communities shall inform the AA in advance.

Where the AA is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Communities, the AA shall inform the official of its decision in writing, within 30 working days of receipt of the information. If no such decision is notified within the specified time period, the AA shall be deemed to have had no objections.

Article 19:

An official shall not, without permission from the AA, disclose on any grounds whatever, in any legal proceedings information of which he has knowledge by reason of his duties. Permission shall be refused only where the interests of the Communities so require and such refusal would not entail criminal consequences as far as the official is concerned. An official shall continue to be bound by this obligation after leaving the service.

The provisions of the preceding paragraph shall not apply to an official or former official giving evidence before the Court of Justice or before the Disciplinary Board of an institution on a matter concerning a servant of former servant staff of one of the three European Communities.

- Contact details of the potential employer and his/her fields of activity
- The link with the official's functions exercised in the Commission (if any);
- Any other relevant information

Any changes to the above circumstances **must be immediately notified to the AA**. Again each case is assessed on an individual basis and the AA may impose any other additional conditions which it deems appropriate.

4.1 Rules governing former officials receiving a retirement pension or non-active status or retired in the interests of the service.

Such officials may be requested by the Commission to undertake assignments or carry out activities provided that such assignments or activities are unpaid and do not give rise to remuneration of any kind, although costs reasonably incurred may be reimbursed.

The above restriction does not apply to activities and/or assignments which, although not directly paid by the Commission, give rise to payments that are financed from Community funds. However, such permission will only be given when it is in the general interests of the institution and to fulfil a specific need difficult to find elsewhere. In such cases the former official may receive ad hoc payments for services, which when cumulated with the retirement pension or allowance do not exceed the total annual remuneration before going on pension.

Such services may be rendered up to 3 years following the date of the retirement.

If you are a former official requested to carry out work on behalf of the Commission it will be necessary to draw up an explicit contract based on the attached standard contract for former officials carrying out work for the Commission.

4.2 Rules governing officials receiving an invalidity allowance or invalidity pension.

In principle such officials may **not** be given any assignment paid or unpaid by the Commission.

For other gainful activities an application must be sent to the Director General of DG ADMIN who, under annex VIII, article 13 of the Staff Regulations will consult with the medical service to assess whether the assignment or activity is consistent with the original reasons for granting an invalidity allowance or pension.



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR PERSONNEL AND ADMINISTRATION
 Directorate B – Staff Regulations: policy, management and advisory service
 ADMIN/B/3 – Conditions of employment, non-pecuniary rights and obligations

Please enter an
 answer in every
 section and write in
 block letters

NB: THIS FORM IS FOR FUNCTION GROUPS DG/DGA/CHC/D/CP

**AUTHORISATION TO ENGAGE IN AN OUTSIDE ACTIVITY, WHETHER GAINFUL OR NOT, OR
 CARRY OUT AN ASSIGNMENT OUTSIDE THE COMMUNITIES⁶
 (Article 12b of the Staff Regulations and Article 11 of the CEOS)**

APPLICANT

Name/first name: Personnel No:
 Administrative status: official/temporary staff² Grade:
 Administrative address: Tel:
 DG, Directorate, unit:
 Description of duties at the Commission:

 Activity at the Commission is full-time/part-time²

PLANNED ACTIVITY³

Name of the organisation in which activity is to be exercised:

.....

Address:

Type of activity : Teaching, conference, seminar, other²

Place in which the activity is to be carried out:

.....

The activity is to be carried out:

1. outside normal working hours: evening Saturday Sunday
2. during normal working hours (give dates and times):

.....

For 1 and 2, indicate the period: from to

Possible conflict of interests

1. Does the organisation have a financial and/or a contractual relationship with the Commission? YES/NO²

1. Commission Decision of 28 April 2004 on outside activities and assignments – Administrative Notice No 85/2004 of 29 June 2004.
2. Delete as appropriate.
3. Any modification of the activity after this application must be reported to the appointing authority (the second paragraph of Article 12b of the Staff Regulations).

If YES, give details (on a separate sheet of paper if necessary)

.....
.....
.2. Is there any direct and/or indirect link between the activity and your duties at the Commission? YES/NO²

If YES, give details (on a separate sheet of paper if necessary).

.....
.....
Absences

The activity will entail a total planned/likely² absence of working day(s), including travel time.

Will this absence be covered in its entirety by a request for annual leave? YES/NO²
(if NO) special leave of day(s) is requested⁷.

In the case of an educational activity

Total number of teaching hours to be worked.....

i.e.....hours/week or hours/month

Financial arrangements

Will remuneration or compensation be provided for:

1. the activity itself? (total net amount)
2. travel expenses? YES/NO² (if YES, the proposed amount).....
3. subsistence expenses? YES/NO² (if YES, the proposed amount).....

Publication

Will the above activity result in a publication? YES/NO²

If YES, give details of the financial arrangements:

.....
.....
.....

SIGNATURE:DATE:

OPINION OF IMMEDIATE SUPERIOR

Is the activity of benefit to the Communities? YES/NO²

If not, give reasons:.....
.....

Application approved/Application not approved²

If not approved, give reasons:
.....
.....

4. The special leave may not be more than half the working days involved. No special leave will be granted, even where the planned activity is of benefit to the Communities, where remuneration other than reimbursement of travel and subsistence expenses is provided (see the Commission decision of 28 April 2004 introducing implementing provisions on leave, section II.b.1 – Administrative Notice 102/2004 of 28 July 2004).

NAME/FIRST NAME: POSITION:

SIGNATURE: DATE:

Send the completed form to unit ADMIN/B/3 – SC 11 03/27

DECISION OF THE APPOINTING AUTHORITY⁵

Activity: authorised² fromto.....⁶

*NB: the maximum annual ceiling for net remuneration
for all external activities combined is €4 500.⁷*

refused² on the following grounds.....

.....

.....

.....

.....

Special leave is granted by the AIPN in question⁸ forday(s):

YES – NO²

THE DIRECTOR-GENERAL
OF PERSONNEL AND ADMINISTRATION

IRÈNE SOUKA

DONE IN Brussels on

5. Commission Decision of 28 April 2004 on the exercise of the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of employment of other servants on the Authority Empowered to Conclude Contracts of Employment - Administrative Notice No 31/2004 of 5 May 2004.

6. Authorisation is valid only for the period indicated, which may not exceed one year. Any extension beyond one year or any renewal requires a new request to be presented at least two months before the expiry of the period.

7. Article 9 of Commission Decision of 28 April 2004 on external activities and assignments - Administrative Notice No 85/2004 of 29 June 2004 (NB: any amount above the maximum net annual remuneration of €4 500 must be declared to the appointing authority, and will be recovered by PMO/2).

8. The Director General (or the official delegated by the Director-General) of the applicant's DG.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL

Please enter an answer in
every section and write in
block letters

NB: THIS FORM IS FOR FUNCTION GROUPS CL/CU/ADM/AST

**AUTHORISATION TO ENGAGE IN AN OUTSIDE ACTIVITY, WHETHER GAINFUL OR NOT, OR
CARRY OUT AN ASSIGNMENT OUTSIDE THE COMMUNITIES⁸**
(Article 12b of the Staff Regulations and Articles 11, 54 and 81 of the CEOS)

APPLICANT

Name/first name: Personnel No:
Administrative status: official/temporary staff⁹ Grade:
Administrative address: Tel:
DG, Directorate, unit:
Description of duties at the Commission:
.....
.....
.....
Activity at the Commission is full-time/part-time²

PLANNED ACTIVITY¹⁰

Name of the organisation in which activity is to be exercised:
.....

Address:
.....

Type of activity: Teaching, conference, seminar, other²
Place in which the activity is to be carried out:
.....

The activity is to be carried out:

1. outside normal working hours: evening Saturday Sunday
2. during normal working hours (give dates and times):
.....

For 1 and 2, indicate the period: from to

Possible conflict of interests

1. Commission Decision of 28 April 2004 on outside activities and assignments – Administrative Notice No 85/2004 of 29 June 2004.
2. Delete as appropriate.
3. Any modification of the activity after this application must be reported to the appointing authority (the second paragraph of Article 12b of the Staff Regulations).

1. Does the organisation have a financial and/or a contractual relationship with the Commission? YES/NO²

If YES, give details (on a separate sheet of paper if necessary)

.....
.....
.....

2. Is there any direct and/or indirect link between the activity and your duties at the Commission? YES/NO²

If YES, give details (on a separate sheet of paper if necessary)

.....
.....

Absences

The activity will entail a planned/likely² total absence of working day(s), including travel time.

Will this absence be covered in its entirety by a request for annual leave? YES/NO²
(if NO) special leave of day(s) is requested.¹¹

In the case of an educational activity

Total number of teaching hours to be worked:

i.e.hours/week or hours/month.

Financial arrangements

Will remuneration or compensation be provided for:

1. the activity itself? (total net amount)
2. travel expenses? YES/NO² (if YES, the proposed amount).....
3. subsistence expenses? YES/NO² (if YES, the proposed amount).....

Publication

Will the above activity result in a publication? YES/NO²

If YES, give details of the financial arrangements:

.....
.....
.....

SIGNATURE:DATE:

OPINION OF IMMEDIATE SUPERIOR

Is the activity of benefit to the Communities? YES/NO²

If not, explain why:
.....

-
4. The special leave may not be more than half the working days involved. No special leave will be granted, even where the planned activity is of benefit to the Communities, where remuneration other than reimbursement of travel and subsistence expenses is provided (see the Commission decision of 28 April 2004 introducing implementing provisions on leave, section II.b.1 – Administrative Notice 102/2004 of 28 July 2004).

Application approved/Application not approved²

If not approved, give reasons:
.....
.....

NAME/FIRST NAME: POSITION:

SIGNATURE: DATE:

DECISION OF THE APPOINTING AUTHORITY⁵

Activity: authorised² fromto.....⁶

*NB: the maximum annual ceiling for net remuneration
for all external activities combined is €4 500.*

refused²: give the grounds.....
.....
.....
.....
.....

Special leave is granted for day(s): YES/NO²

NAME/FIRST NAME: POSITION:


SIGNATURE: DATE:

Send the copy of completed form to unit ADMIN/B/3 – SC 11 03/27

5. Commission Decision of 28 April 2004 on the exercise of the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of employment of other servants on the Authority Empowered to Conclude Contracts of Employment of 5 May 2004 – Administrative Notice No 31/2004 of 5 May 2004.

6. Authorisation is valid only for the period indicated, which may not exceed one year. Any extension beyond one year or any renewal requires a new request to be presented at least two months before the expiry of the period.

7. Article 9 of Commission Decision of 28 April 2004 on external activities and assignments - Administrative Notice No 85/2004 of 29 June 2004 (NB: any amount above the maximum net annual remuneration of €4 500 must be declared to the appointing authority, and will be recovered by PMO/2).





EUROPEAN COMMISSION
DIRECTORATE-GENERAL
PERSONNEL AND ADMINISTRATION

**PLEASE COMPLETE IN BLOCK
CAPITALS**

Please return to ADMIN.B.3
Admin-bx1-b3-ethique@ec.europa.eu
European Commission
SC11 03/27
B - 1049 Brussels
Fax : +32.2.298.67.71

**Application for authorisation to engage in an occupation after leaving
the Commission**

Article 16 of the Staff Regulations

The former official or other servant

NAME/First name:

Personnel No..... Category/grade/step:

Date of leaving the Commission:

Address:

Telephone: Fax:

Email :

Are you receiving or will you receive any pecuniary benefit from the Commission after leaving? If so of what sort?

What was your work during the last three years of service? State the DG.

New activity

Name of the body:

Address:

Telephone:..... Fax:

Email:

Nature of its activities:

Does this body receive funding from the European Commission?

Description of the work contemplated:

Expected duration of the work:

Position in the body:

Are you an employee and/or shareholder in the body?

Will you receive remuneration or other pecuniary advantages?

Does the body for which you wish to work have direct or indirect commercial, financial or contractual links (including grants) with a Community institution (in particular the Commission) or body?

During your work at the Commission, did you have any direct or indirect relations with the body for which you wish to work¹²? If so, specify them:.....

Will your new activity have direct or indirect links with other Commission departments:

Other relevant information:

(Place): (date):.....

Signature:

You may attach any document you consider will demonstrate that your new activities or duties are compatible with those you exercised at the Commission.

¹² State in particulier whether you were engaged in preparing financial and/or contractual relations.

8 Application for leave on personal grounds



APPLICATION FOR LEAVE ON PERSONAL GROUNDS

(Articles 15, 37 and 40 of the Staff Regulations and Articles 11, 17, 81 and 91 of the Conditions of Employment of Other Servants)

- ☐ Application for leave on personal grounds¹³
- ☐ Application for renewal of current period of leave on personal grounds fromuntil
- ☐ Declaration of an outside activity

Surname:	<i>To be completed only in the case of a first application</i>
Forename(s):	DG/Directorate/Unit:
Personnel No:	Address within the Commission:
Date of birth:	Tel.:
Date of entry into service at the Commission:	Fax:
Administrative status:	E-mail:
Function group/grade:	

PLEASE COMPLETE ALL THE HEADINGS, USING CAPITAL LETTERS, AND INITIAL EACH PAGE.

1. SECTION TO BE COMPLETED BY THE APPLICANT

1.1 Leave on personal grounds

Duration:

for the period fromuntil

If you are applying under Article 15 of the Staff Regulations or Articles 11 and 81 of the CEOS, the term of office of will run fromuntil

- ☐ I plan to apply for renewal of my leave on personal grounds at a later date.

Reason¹⁴:

.....

.....

.....

Description of duties in the Commission:

.....

¹³ Tick as appropriate.

¹⁴ Leave on personal grounds is granted only in exceptional circumstances. It is therefore in your interest to convey the special nature of the reasons given and, if necessary, to be ready on request to provide documentary evidence of the validity of the reasons given.

.....
.....
Address¹⁵:

During my leave on personal grounds I shall be resident at the following address:

Street:

Town/city:

Postcode: Country:

Tel.: Fax: E-mail:

If you are requesting a renewal, has your address changed? ☐ YES ☐ NO

1.2 Outside activity¹⁶:

During my leave on personal grounds

☐ I do not anticipate being employed elsewhere

☐ I expect to work in the following capacity:

Name of the body in which I plan to perform the activity:

Address:

Tel.: Fax:

E-mail:

I expect to be employed there from until

Nature of its activities:

Description of your work:

Your position in the organisation:

Are you an employee of the organisation? ☐ YES ☐ NO

Are you a shareholder in the organisation? ☐ YES ☐ NO

Does the organisation have financial and/or contractual links with the Commission:

☐ YES ☐ NO

If yes, give details.

¹⁵ The Administration must be notified of any change of address.

¹⁶ Information regarding outside activities will be treated in confidence by the departments concerned and used solely to establish whether the planned activity is compatible with your obligations under the Staff Regulations.

.....
.....
.....
Are there any direct and/or indirect links between your proposed activity and your duties in the Commission?

☐ YES ☐ NO

If yes, give details¹⁷.

.....
.....
Will your new activity have direct or indirect links with your or other Commission departments?

☐ YES ☐ NO

If yes, give details.

.....
.....
Other relevant information:

.....
1.3 Declaration

- I hereby declare upon my honour that I am aware of my precise obligations detailed below:

I hereby declare that I have taken note of the provisions of Articles 15, 37 and 40 of the Staff Regulations of Officials of the European Communities and Articles 11, 17, 81 and 91 of the Conditions of Employment of Other Servants.

I hereby declare that I have taken note of Title II of the Staff Regulations of Officials of the European Communities. By virtue of Articles 11 and 81 of the Conditions of Employment of Other Servants, this Title of the Staff Regulations applies by analogy to members of the temporary staff and to contract staff.

I hereby declare that I have taken note of Commission Decision C(2004) 1597 of 28 April 2004 on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Communities (Administrative Notice No 82 of 28 June 2004), and Commission Decision C(2004) 1597 of 28 April 2004 on outside activities and assignments (Administrative Notice No 85 of 29 June 2004).

Signature of this application is equivalent to notification within the meaning of Article 1 of Decision C(2004) 1597 of 28 April 2004 on measures concerning leave

¹⁷ State in particular whether you had any direct or indirect links with the company which is to employ you when you worked in the Commission.

on personal grounds for officials and unpaid leave for temporary and contract staff of the European Communities.

Within the meaning of Article 14(4) of Decision C(2004) 1597 of 28 April 2004 on outside activities and assignments signature of this application is also equivalent to signature by the official or agent of a declaration confirming that he/she has full knowledge of his/her obligations in the sense of the present decision.

I undertake to comply with these obligations during my period of leave on personal grounds and to notify the appropriate department if there is a possibility that I might fall within the scope of these articles.

- I also declare that I am aware that any outside activity requires prior authorisation from the appointing authority and I accordingly undertake to apply for such authorisation if necessary at any time during my period of leave on personal grounds.
- Pursuant to Article 14(5) of Commission Decision C(2004) 1597 of 28 April 2004 on outside activities and assignments, I have taken note of the fact that the Commission may make my name, position in the undertaking, and the name of the undertaking for which I intend to work, publicly available.
- I undertake to return any confidential document to which I have had access during my period of activity at the Commission before my departure on leave on personal grounds.
- I have taken note of the information on the protection of personal data set out below, particularly as regards the right of access to and the right to rectify such data.

Done at Date:

Signature:

ORIGINAL TO BE SENT TO THE APPLICANT'S HIERARCHICAL SUPERIORS FOR OPINION

Information on the protection of personal data

Personal data provided by the applicant in connection with his or her request for leave on personal grounds will be processed pursuant to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 (http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=301R0045&lg=en). Under Articles 11 and 12 of that Regulation, prior information on the processing of personal data in connection with applications for leave on personal grounds is set out in the information sheet on the protection of personal data which can be found on the page on the Commission's Intranet dealing with leave on personal grounds.

2. SECTION TO BE COMPLETED BY THE APPLICANT'S HIERARCHICAL SUPERIORS

2.1 Reasoned opinion of the immediate hierarchical superior (as a rule, Head of Unit or equivalent)

I am forwarding the application by Mr/Ms
with my opinion

favourable favourable subject to restrictions unfavourable

a) on the request for

leave on personal grounds

☐☐

b) on the duration of the leave

☐☐☐

c) on the outside activity

☐☐☐

for the following reasons¹⁸ :

.....

.....

.....

Restrictions where applicable.....

Surname / forename of the immediate hierarchical superior:.....

Date:

Signature:

2.2 Reasoned opinion of other hierarchical superiors (Director or equivalent)

favourable favourable subject to restrictions unfavourable

a) on the request for

leave on personal grounds

☐☐

b) on the duration of the leave

☐☐☐

c) on the outside activity

☐☐☐

for the following reasons¹⁹ :

.....

.....

.....

Restrictions where applicable.....

Surname / forename of the hierarchical superior:

Date:

Signature:

¹⁸ The applicant's hierarchical superiors will examine the application in detail, bearing in mind all the facts (reason for the leave – duration of leave - immediate needs of the service - possibilities of replacement), and will deliver a reasoned opinion.

¹⁹ The applicant's hierarchical superiors will examine the application in detail, bearing in mind all the facts (reason for the leave – duration of leave - immediate needs of the service - possibilities of replacement), and will deliver a reasoned opinion.

Original to be sent to the human resources manager of the DG of the applicant,
Mr/Ms.....Address :

If the applicant is not planning on engaging in a professional activity during his/her leave on personal grounds, the human resources manager will send the form directly to the Appointing Authority for decision or to ADMIN A5 for directors-general, heads of service, deputy directors-general, advisers hors classe, directors, heads of cabinet, principal advisers or equivalent.

If the applicant is planning on engaging in a professional activity during his/her leave on personal grounds, the human resources manager will send the form to ADMIN.B.3 – SC11 3/12 in a signatory accompanied by a routing slip in order to return the documents to the Appointing Authority for decision through

- the human resources unit of the DG of the applicant or
- ADMIN A5 for directors-general, heads of service, deputy directors-general, advisers hors classe, directors, heads of cabinet, principal advisers or equivalent.

2.3. Reasoned opinion of DG ADMIN on proposed professional activity during leave on personal grounds

	favourable	favourable subject to restrictions	unfavourable
opinion on the activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
for the following reasons:			

.....

.....

.....

.....

Restrictions where applicable.....

.....

.....

Person responsible: Surname / Forename:

Date:

Signature:

3. THE APPOINTING AUTHORITY²⁰

Having regard to the reasons given by the applicant in support of this application for leave on personal grounds,

Having regard to the opinion of the applicant's superiors,

Having regard to the opinion of DG ADMIN on professional activity during leave on personal grounds,

HAS DECIDED AS FOLLOWS:

Leave on personal grounds / renewal of leave on personal grounds

- ☐ approved for the period requested²¹
- ☐ approved for a different period, namely from until
- ☐ refused

Professional activity during the period of leave on personal grounds

- ☐ authorised
- ☐ authorised subject to restrictions, namely
- ☐ refused

Any additional reasons:

.....
.....

Surname / forename of the Appointing Authority.....

Position.....

Date:

Signature for the appointing authority:

²⁰ For those holding the positions of director-general, head of service, deputy director-general, adviser hors classe, director, head of cabinet, principal adviser or equivalent, the Commission is the appointing authority as regards *granting leave on personal grounds* and the form should be sent to ADMIN.A.5. For the rest of the staff of a DG, the appointing authority as regards granting leave on personal grounds is the relevant director-general (or his or her delegate) or the head of cabinet, in the case of staff working in a cabinet.

For renewing leave on personal grounds the appointing authority is the same as for granting leave on personal grounds.

For those holding the positions of director-general, head of service, deputy director-general, adviser hors classe, director, head of cabinet, principal adviser or equivalent, the Director-General of DG ADMIN is the appointing authority as regards *granting professional activity while on leave on personal grounds*. For the rest of the staff of a DG, the appointing authority for these purposes is the relevant director-general (or his or her delegate) or the head of cabinet, in the case of staff working in a cabinet, *and the decision will be taken after consulting DG ADMIN*.

²¹ Tick as appropriate.

9 Standard contract for former officials carrying out work for the Commission

CONTRACT

The European Community, represented by the Commission of the European Communities (hereinafter referred to as « the Commission »), which for the purposes of signing this Contract is represented by:

Mr[Mrs/Ms/Miss]
Director/Director-General of the Directorate-General /Directorate for
.....,

hereinafter referred to as « the person responsible for the Contract »,

ON THE ONE PART,

and

Mr[Mrs/Ms/Miss].....
Pension No
of *[full residential address]*²²

.....
.....
.....
.....,

hereinafter referred to as « the Contractor »,

ON THE OTHER PART,

HAVE AGREED AS FOLLOWS:

Article 1 - Subject of Contract

In connection with *[state general task, context, background]*, the Contractor undertakes to *[state the Contractor's task in greater detail]* under the terms specified in this Contract and in the Annex, which forms an integral part of the latter. This task shall be performed at *[state place where task is to be performed]*.

Article 2 - Duration

²² The address given must be that declared to the Commission in accordance with Article 82 of the Staff Regulations.

This Contract is concluded for the period commencing on and expiring on.....

Article 3 - Reports and documents

At the request of the person responsible for the Contract, a report shall be drawn up on the tasks performed by the Contractor in fulfilment of this Contract. In that event the Contractor shall call on the Commission Departments for assistance in drafting the report.
[give any details concerning frequency, form, language, etc.]

Article 4 - Invoicing of tasks performed

1. In view of the fact that the Contractor receives a retirement pension paid out of the budget of the Commission of the European Communities and having regard to Article 40 of Annex VIII to the Staff Regulations, the tasks carried out in fulfilment of this Contract shall be performed free of charge, except that expenses shall be reimbursed in accordance with Article 5.
2. Payments shall be made to the account into which the pension is normally paid, on presentation of a claim giving a clear, detailed and comprehensive breakdown of expenses in accordance with Article 5.

Article 5 - Reimbursement of expenses

The Commission shall pay the Contractor's return travel costs and daily subsistence allowance in accordance with the Guide to Missions²³ for missions *[from Brussels to... /from ... to Brussels]*. Expense claims must be accompanied by supporting documents (invoices, identified receipts, etc.) covering all expenses declared. Mission expenses are estimated to amount to *[give breakdown where necessary]*:

- Air tickets:
- Estimated hotel expenses:
- Daily subsistence allowance: $X \text{ days} \times \text{daily allowance} =$
- Visas and sundry expenses

These expenses shall be charged to budget item *[example: A 6016 - Cost of studies and consultations]*.

Article 6 - General Conditions and Applicable Law

1. This Contract shall be governed by the General Terms and Conditions applicable to service contracts awarded by the Commission, which are annexed to this Contract; the Contractor hereby declares that he/she is familiar with and accepts those General terms and conditions.
2. Belgian law shall apply in relation to this Contract.

Article 7 - Jurisdiction

Any dispute between the European Community and the Contractor or any claim by one party against the other under this Contract which cannot be settled by the contracting parties out of court shall be brought before the Brussels courts.

Article 8 - Administrative provisions

²³ The Guide to Missions applies for the reimbursement of expenses, except that the Contractor is not eligible for a credit card and cannot claim accident insurance.

1. Any amendment to this Contract or the General Terms and Conditions applicable to service contracts awarded by the Commission shall be the subject of a supplementary written agreement concluded on the same terms as the Contract; a verbal agreement shall not be binding on the contracting parties to that end.
2. Any communication relating to performance of this Contract shall be made in writing, in duplicate, and sent to the following addresses:

For the Commission of the European Communities:

[name, title and address of the Commission representative]

Rue de la Loi 200
B-1049 Brussels

For the Contractor:

[name and address of Contractor]

Article 9 - Tax

1. The European Community is exempt from all taxes and dues, including value added tax, pursuant to Articles 3 and 4 of the Protocol on the privileges and immunities of the European Communities with regard to its financial contribution under the Contract. The Contractor shall follow the Commission's instructions as regards the application of Articles 3 and 4 of the Protocol.
2. The Contractor is not subject to VAT.

Article 10 - Annex(es)

The following (document is/documents are) annexed to this Contract:

Annex I: General Terms and Conditions applicable to service contracts awarded by the Commission

Annex II: **[Any other annexes]**

Done at Brussels,..... in duplicate in **[French/English]**

The Contractor
for the Contract

The person responsible

Approval of Unit ADMIN.B.3