



Activity Report 2021

The Investigation and Disciplinary Office of the Commission

*Integrity is doing the right thing even when
no one is watching.*

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I – INTRODUCTION

The Mission Statement of the Investigation and Disciplinary Office of the Commission (IDOC): *By conducting administrative inquiries and disciplinary follow-ups into alleged breaches of statutory obligations, as well as through prevention activities, IDOC seeks to ensure that staff members of the European Commission comply with high standards of ethics and integrity.*

Meeting the highest standards of professional ethics and integrity is of paramount importance with respect to the accomplishment of the Commission's tasks and its credibility and reputation. Therefore, Commission staff members are expected to display, at all times, an irreproachable behaviour and to comply always with their statutory obligations. This is the case for the large majority of Commission staff. However, when allegations of breaches of these obligations arise, IDOC conducts, in a fair, transparent and timely manner and upon mandate by the competent Authority, administrative inquiries, disciplinary proceedings, suspension proceedings and proceedings related to waivers of immunity of staff, as applicable.

IDOC also plays an important role in prevention, notably through awareness-raising events and training on the importance of respecting the high standards of ethics and on the role of IDOC in disciplinary affairs. IDOC's Annual Activity Reports form part of these outreach activities.

The report for year 2021 gives a statistical overview of all activities of IDOC and a summary of cases in which a disciplinary sanction decision was taken over the year. The cases are presented with a view to illustrating the broad scope of the cases that IDOC manages, as well as to inform staff members about the consequences that can result from breaches of statutory provisions.

During 2021, in view of the prolonged COVID pandemics, IDOC continued to use electronic and virtual means throughout its proceedings, where necessary, while fully respecting the fundamental rights and the procedural guarantees of all persons involved.

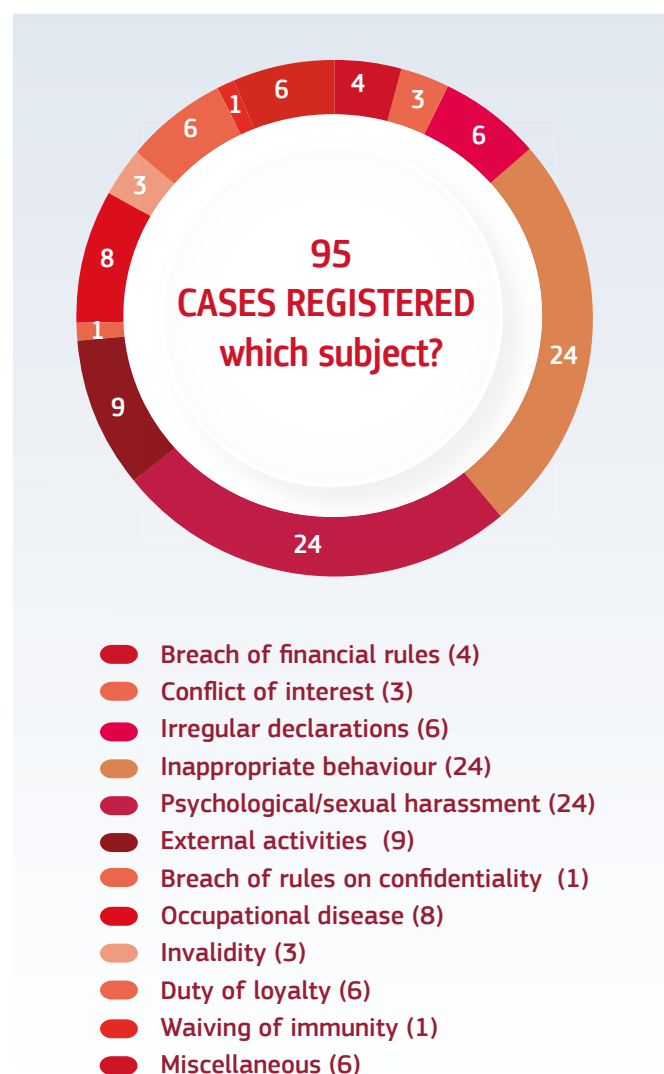
II – CASES REGISTERED IN 2021 – OVERVIEW

Information about potential statutory breaches comes from a variety of sources, including other Commission

services, the European Anti-Fraud Office (OLAF), the European External Action Service (EEAS), executive agencies, requests for assistance filed under Article 24 of the Staff Regulations, as well as external sources such as complaints and media reports.

IDOC has Service Level Agreements (SLAs) with the EEAS, the executive agencies, the European Data Protection Supervisor and the European Economic and Social Committee. Under the terms of the SLAs, IDOC carries out an equivalent service as for the Commission, including administrative inquiries and disciplinary proceedings based on mandates provided by the respective Appointing Authorities of these institutions and agencies.

95 new cases were registered in IDOC in 2021, representing a 14% increase in comparison to 2020. In addition, IDOC continued to deal with on-going cases registered in previous years.



90 CASES CLOSED WHICH OUTCOME?



Out of the 95 new cases, 15 concerned the EEAS¹, 1 the EESC² and 6 the executive agencies³.

For the decentralised agencies and some joint undertakings, IDOC provides a helpdesk service. As for the conduct of administrative inquiries, IDOC recommends them to regularly update and make use of the existing inter-agency network of investigators.

III - HOW IDOC WORKS

3.1. Preliminary assessments

All cases registered, which have not been subject of an OLAF investigation, undergo a preliminary assessment, which can then lead either to the opening of an administrative inquiry or to the case being closed as a non-case. During 2021, 27 cases were closed as non-cases.

3.2. Administrative inquiries

Where there is a *prima facie* evidence that a breach of the Staff Regulations may have occurred, the Appointing Authority gives IDOC a mandate to open an administrative inquiry. Inquiries aim to establish the facts related to a situation that may involve a breach of statutory obligations. Inquiries allow the Appointing Authority to take a decision on whether to launch a pre-disciplinary proceeding based on established facts and the degree of responsibility of the staff member(s) concerned ('person concerned'). At the end of the inquiry, before finalising the inquiry report, the person concerned is given the opportunity to comment on the facts established by the inquiry. These comments are duly assessed and taken into account in the final administrative inquiry report.

In 2021, IDOC received 56 mandates from the Appointing Authority to open administrative inquiries. They concerned allegations of harassment and inappropriate behaviour, irregular declarations, outside activities, conflicts of interest, non-respect of the rules on confidentiality or breach of the duty of loyalty.

Out of the 56 mandates received, 8 related to administrative inquiries under the procedure for the recognition of an occupational disease pursuant to Article 73 of the Staff Regulations and 3 related to administrative inquiries pursuant to Article 78 of the Staff Regulations under the procedure for an invalidity allowance. The procedures under Articles 73 and 78 of the Staff Regulations are not of a disciplinary nature, IDOC carries them out at the specific request of and based on the mandate issued by the competent Appointing Authority.

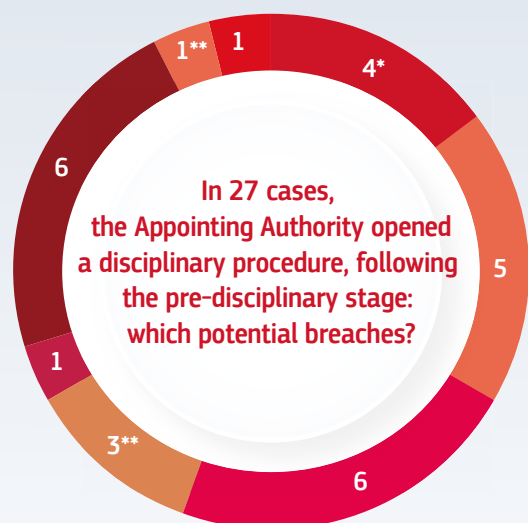
In order to establish the facts, the IDOC case-handlers make use of a range of measures, including obtaining documents and information, and conducting hearings of the persons concerned, of the alleged victims and of witnesses, which are an essential part of the administrative inquiry.

47 administrative inquiries were closed during 2021, which is a stable number compared to 2020. In 13 of these cases, the Appointing Authority decided to close the case without disciplinary follow-up. In one case, the Appointing Authority decided to terminate the contract of the person concerned in accordance with Article 47 of the Conditions of Employment of Other Servants (CEOS). 10 administrative inquiries related to requests for recognition of occupational disease and invalidity allowance were closed with a report to the relevant Appointing Authority, whereas two other inquiries related to the same subject were closed with no further action, following the withdrawal of the request by the

¹ On the following subjects: harassment (6 cases), occupational disease (3 cases), breach of financial rules (3 cases), inappropriate behaviour (1 case), duty of loyalty (1 case), miscellaneous (1 case).

² On the subject of harassment.

³ On the following subjects: inappropriate behaviour (4 cases), occupational disease (1 case), harassment (1 case).



- Conflict of interest (4) *
- Irregular declarations (5)
- Inappropriate behaviour (6)
- Harassment (3) **
- Unauthorised absences (1)
- Outside activities (6)
- Breach of rules on confidentiality (1) **
- Miscellaneous (1)

* 1 EEAS case + 1 Agency case, ** 1 EEAS case

persons concerned. In the other cases, the Appointing Authority decided to open pre-disciplinary proceedings.

3.3. Pre-disciplinary proceedings

In case the Appointing Authority decides, based on the findings of the administrative inquiry, to pursue the case further, the person concerned is heard and given the opportunity to comment on all the evidence and facts of the case. Following the pre-disciplinary hearing of the person concerned, the Appointing Authority can decide: (1) to close the case without follow-up; (2) to issue a non-disciplinary measure in the form of a warning (*mise en garde*)⁴; or (3) to open disciplinary proceedings.

In 2021, the Appointing Authority gave IDOC a mandate to open pre-disciplinary proceedings in 27 cases, while 32 pre-disciplinary proceedings were closed, as follows:

- in 27 cases the Appointing Authority opened the disciplinary procedure;
- in four cases, which concerned less serious shortcomings with no budgetary impact or harm to the Institution's image and reputation, the Appointing

Authority decided to issue a non-disciplinary measure in the form of a warning (*mise en garde*), reminding the persons concerned to pay more attention to their statutory obligations in the future;

- one case was closed with no further action following the death of the person concerned.

3.4. Suspension

A person concerned who is accused of serious misconduct may be suspended from active service, for a specific or indefinite period, pending the outcome of disciplinary or criminal proceedings.

In 2021, there were no suspension decisions.

3.5. Disciplinary proceedings

When the Appointing Authority decides to open disciplinary proceedings, it can refer the case before the Disciplinary Board or proceed without doing so.

When the Appointing Authority considers that the established facts do not merit a sanction more severe than a written warning or a reprimand, the case is not referred to the Disciplinary Board. In these cases, a disciplinary report, setting out the facts and an assessment of the misconduct in the case, is sent to the person concerned. After hearing the person concerned, the Appointing Authority decides on the sanction to be imposed.

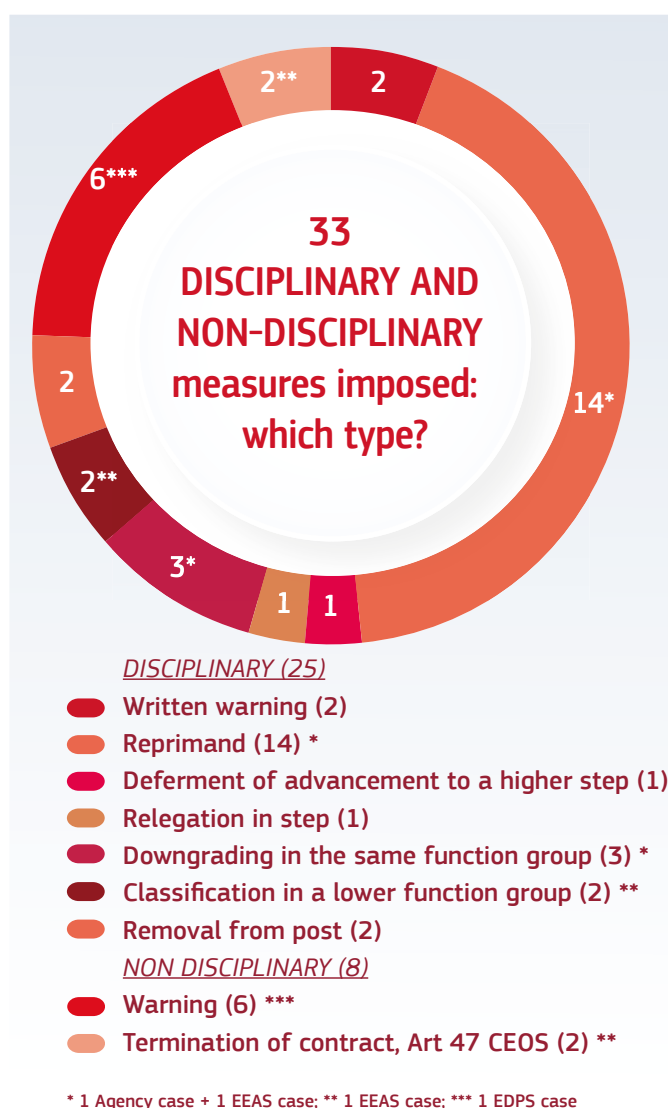
When the Appointing Authority considers that the established wrongdoing is sufficiently serious to warrant a financial sanction, it refers the case to the Disciplinary Board. A disciplinary report, setting out the facts and an assessment of the misconduct, is sent to the Disciplinary Board and to the person concerned. The Disciplinary Board then hears the person concerned. The Disciplinary Board acts as a 'fresh pair of eyes' on both the facts and the assessment of the case and makes a recommendation for a sanction. Taking into due account the opinion of the Disciplinary Board, the final decision on the sanction to be imposed is taken by a tripartite Appointing Authority, after hearing the person concerned again.

In 2021, 27 disciplinary proceedings were opened, representing a 25% increase in comparison to 2020; 18 were without referral to the Disciplinary Board and 9 with referral to the Disciplinary Board.

3.6. Different types of sanctions

Cases where statutory breaches are established may be sanctioned in several ways:

⁴ The Staff Regulations make a distinction between this non-disciplinary warning (*mise en garde*) and a written warning, which does constitute a disciplinary sanction (*avertissement par écrit*).



Less serious breaches may give rise to a warning (*'mise en garde'*). This is not a disciplinary sanction, but a formal reminder about the requirement to observe ethical standards. It is placed in the staff member's personal file for 18 months.

More serious breaches can lead to the opening of disciplinary proceedings. The severity of a sanction imposed can range from a written warning to removal from post. Retired staff members can be sanctioned through a reduction in their pensions for a specific period of time. The same approach applies to staff members in receipt of an invalidity allowance. The disciplinary sanction is kept in the personal file of the person concerned for a period of three or six years depending on the type of sanction.

Staff members subject to the CEOS who are found to be in breach of their statutory obligations can have

their contract terminated either following disciplinary proceedings or after a specific procedure in which the person concerned is invited to explain his or her actions before the competent authority.

In deciding on the disciplinary sanction to be imposed in any case, the Appointing Authority takes into account a number of factors, as set out in the Staff Regulations: the nature and circumstances of the misconduct; the extent to which the misconduct has an impact on the Institution; whether the misconduct involves intent or negligence; the motives for the misconduct; the grade and seniority of the staff member concerned; the degree of the staff member's personal responsibility; the level of the staff member's duties and responsibilities; whether the misconduct involved repeated action or behaviour, and the staff member's conduct throughout his career.

There is no 'tariff' of sanctions: each case must be assessed on its merits and any disciplinary sanction imposed must be commensurate with the seriousness of the misconduct.

In 2021, 25 cases were closed with a disciplinary sanction, representing an increase of 25% in comparison to 2020. The sanctions imposed by the Appointing Authority included written warnings, reprimands, deferment of advancement to a higher step, relegation in step, downgrading in the same function group, classification in a lower function group with downgrading and removal from post.

In 6 cases the Appointing Authority imposed the non-disciplinary sanction of a 'warning' and in 2 cases the contract of the person concerned was terminated.

IV - SUMMARY OF CASES CLOSED WITH A DISCIPLINARY SANCTION⁵

In line with Article 45 of Decision C(2019) 4231, this report provides a summary of the cases in which the Appointing Authority⁶ and the Authority Empowered to Conclude Contracts of Employment⁷ imposed a disciplinary sanction in 2021.

Duty of loyalty

In line with Article 11 of the Staff Regulations, the duty of loyalty requires staff members to carry out their duties and conduct themselves solely with the

⁵ Out of these cases, three concerned the EEAS and two concerned executive agencies.

⁶ As determined on the basis of Article 2 of the Staff Regulations of Officials of the European Union.

⁷ As determined on the basis of Article 6 of the Conditions of Employment of Other Servants of the European Union.

interests of the Union in mind. It also requires that staff members carry out the duties assigned to them objectively and impartially.

The Appointing Authority imposed the sanction of relegation by three steps within the same grade on an official who falsified several payslips and submitted them to her lawyer, in view of using them for her financial advantage during her divorce procedure. Although the falsified documents were eventually not submitted to the judicial authorities competent to consider the divorce proceedings, and the falsification did not have any financial consequences, the Appointing Authority considered that there was a breach of Articles 11 and 12 of the Staff Regulations. Indeed, the Appointing Authority concluded that the falsification of documents constituted a breach of the duty of loyalty and that it reflected adversely on the official's position, respectively.

The Authority Empowered to Conclude Contracts of Employment⁸ downgraded by one grade in the same function group a contract staff member in an executive agency, who had worked as a contract staff member for the Commission before. During her assignment in the Commission, the contract staff member had numerous missions. She seriously misused the insurance contract concluded between the EU and the insurance company in order to gain undue financial advantages from the insurance company. The Authority Empowered to Conclude Contracts of Employment concluded that, by using intentionally and repeatedly her status of an EU staff member to take advantage of an external stakeholder for a financial gain, she acted adversely to the dignity of her position and damaged the reputation of the EU institutions, in breach of Articles 11 and 12 of the Staff Regulations.

The Appointing Authority imposed a reprimand on a Head of Unit who submitted inaccurate information and falsified documents in the framework of her request to receive the allowance for a person treated as a dependent child, namely her mother. The official failed to inform diligently the administration about the actual costs of the pharmaceutical products for her mother. The Appointing Authority recalled that, according to case-law, the duty of loyalty implies that officials facilitate the task of the administration in determining the extent of their rights by providing clear and unequivocal information. It concluded that the official breached Articles 11 and 12 of the Staff Regulations. When deciding on the sanction, the Appointing Authority considered as attenuating circumstances the difficult personal situation of

the official at the time of the facts and that she acknowledged her negligence during the procedure.

The Authority Empowered to Conclude Contracts of Employment imposed a reprimand on a contract staff member who falsified an email from an external organisation in order to receive an allowance for a dependent child. The facts occurred in the framework of a complaint procedure, by which the staff member requested the PMO to re-consider the decision for not granting the allowance. The Authority Empowered to Conclude Contracts of Employment concluded that the contract staff member violated the duty of loyalty enshrined in Article 11 of the Staff Regulations. The staff member cooperated during the disciplinary proceedings and apologised for her deed.

The Authority Empowered to Conclude Contracts of Employment imposed a reprimand on a temporary staff member who falsified official documents issued by a Commission administration system to rent an apartment in Brussels. Indeed, the owner of the apartment had required a number of documents in order to make a selection of the tenant. The Authority Empowered to Conclude Contracts of Employment concluded that his deeds constituted a breach of his duty of loyalty under Article 11 of the Staff Regulations, as well as of his obligation to refrain from any action, which might adversely affect upon his position, under Article 12 of the Staff Regulations. However, it also took into account the fact that the staff member apologised for his actions and that he highlighted the difficulty to rent an apartment during the COVID-19 pandemic. The temporary staff member is no longer in active service in the Commission.

The Authority Empowered to Conclude Contracts of Employment imposed the sanction of classification in a lower function group with downgrading on a contract staff member, who declared several times 'on the honour' that he was a single parent in order to receive an increased parental leave allowance during a longer/doubled period. The contract staff member failed to prove that he was indeed a single parent. The Authority Empowered to Conclude Contracts of Employment concluded that the contract staff member seriously infringed his duty of loyalty set out in Article 11 of the Staff Regulations and Article 4(1) and (2) of the Commission Decision on the general provisions concerning parental leave.

The Authority Empowered to Conclude Contracts of Employment imposed a written warning on a retired contract staff member, who had worked as a project manager at a Delegation and accepted, on several

⁸ The Authority Empowered to Conclude Contracts of Employment was an executive agency.

occasions, hospitality offers of a low value from a representative of a company, without declaring them to his Authority. The company successfully participated in several tender procedures launched by that Delegation. The Authority Empowered to Conclude Contracts of Employment considered that, irrespective of the low value of the hospitality offers, external persons could perceive their acceptance as a conflict of interest. The Authority Empowered to Conclude Contracts of Employment decided that the failure of the staff member to declare the hospitality offers constituted a breach of his duty of loyalty under Article 11, and of his duty to declare a conflict of interest situation under Article 11a of the Staff Regulations. When deciding on the sanction to be imposed, the Authority Empowered to Conclude Contracts of Employment took into account that the facts of the case were old and that the staff member had a cooperative attitude during the disciplinary procedure.

The Appointing Authority⁹ downgraded by one grade in the same function group an official working in an EU Delegation, for having publicly shared a social media post of a company, which aimed at discrediting the EU and its representative in the third country where he worked, and for having sent inappropriate emails to the same company, in which he criticised the EU administration in that country. The Appointing Authority considered that the official breached Articles 11 and 12 of the Staff Regulations. Amongst the aggravating factors that the Appointing Authority considered were the motives and intentionality of his actions and the considerable adverse effects in the same third country on the reputation of the EU and its delegation and ambassador.

The Authority Empowered to Conclude Contracts of Employment imposed a reprimand on a contract staff member working in the Commission's Representation in an EU Member State, who deleted an email containing an official offer of a company in an on-going procurement procedure of the Representation. When the company inquired about the status of the offer that they had submitted, the contract staff member replied that their offer had not arrived within the deadline. The Representation thus signed a framework contract with another tenderer. However, further to the discovery of the wrongful actions of the staff member, the Representation had to launch a new tender procedure. The Authority Empowered to Conclude Contracts of Employment concluded that the staff member was in breach of Articles 11 and 12 of the Staff Regulations. The staff member is no longer in active service at the Commission's Representation.

The Appointing Authority¹⁰ imposed the sanction of classification in a lower function group with downgrading on an official who carried out a number of outside activities without prior authorisation. Some of those activities were illegal. In addition, a number of other violations were established: a conflict of interest during a recruitment procedure in which the official was involved, a violation of international rules on diplomatic privileges and of national customs and fiscal rules, numerous non-authorised disclosures of non-public information received in the line of duty, and the use of IT tools of the institution for personal purposes. The Appointing Authority concluded that he breached Articles 11, 11a, 12, 12b, 17 and 23 of the Staff Regulations.

Conflict of interest

Article 11a of the Staff Regulations prohibits staff members from dealing with matters in which, directly or indirectly, they have any personal interest such as to impair their independence, and, in particular, family and financial interests.

The Authority Empowered to Conclude Contracts of Employment¹¹ imposed a reprimand on a contract staff member of an executive agency, who incorrectly declared at recruitment that there was no conflict of interest with the activities of her partner and failed to submit a declaration of gainful employment of spouse. Subsequently, the staff member failed to declare a conflict of interest during an evaluation process of a tender in which her spouse took part, and proposed the spouse as a potential evaluator. The Authority Empowered to Conclude Contracts of Employment concluded that the contract staff member breached Articles 11, 11a and 13 of the Staff Regulations. It took into account the fact that the conflict of interest had no impact on the functioning of the agency, as well as that the staff member regretted her actions, followed training sessions on the statutory obligations and committed to observe the ethical rules in the future.

Inappropriate behaviour likely to reflect adversely on the official's position

Article 12 of the Staff Regulations prohibits any action or behaviour – whether inside or outside of the institution – which might reflect adversely upon the position of the staff member.

⁹ The Appointing Authority was the EEAS.

¹⁰ The Appointing Authority was the EEAS.

¹¹ The Authority Empowered to Conclude Contracts of Employment was an executive agency.

The Appointing Authority removed from post, without reduction of pension rights, an official who downloaded and stored, over a long period of time, seriously inappropriate content on Commission IT equipment. The official was also convicted by a national court for the same facts. The Appointing Authority considered those facts as a very serious breach of Article 12 of the Staff Regulations, damaging the reputation and integrity of the institution. Given the seriousness of the breach of ethical standards, incompatible with the function of public service, the Appointing Authority decided to remove the official from his post.

The Appointing Authority removed from post, without reduction of pension rights, an official who used Commission IT equipment to download, store and distribute seriously inappropriate content over a long period of time. The official was also convicted by a national court for the same facts. The Appointing Authority qualified those facts as a serious breach of Article 12 of the Staff Regulations, damaging the reputation and integrity of the institution. The Appointing Authority considered that this constituted a serious breach of ethical standards, which was incompatible with the function of public service.

The Authority Empowered to Conclude Contracts of Employment imposed a written warning on a contract staff member working in an EU Delegation, who used aggressive language, accused colleagues and adopted harsh communication towards the hierarchy, colleagues and external partners. The Authority Empowered to Conclude Contracts of Employment considered that her behaviour was improper, not befitting a member of an EU institution, and therefore in breach of Article 12 of the Staff Regulations. However, in determining the sanction, the Authority Empowered to Conclude Contracts of Employment took into account as attenuating circumstances the contract staff member's health condition, the significant workload in a politically turbulent period and the difficult working environment.

The Appointing Authority imposed a reprimand on an official who adopted, on several occasions, inappropriate behaviour towards his hierarchy, in particular, inappropriate verbal and written language. Furthermore, he openly challenged the decisions of his hierarchy, questioned the priority of certain tasks, refused to carry out certain assignments or performed them late, and did not attend several meetings. The Appointing Authority considered that the official breached Articles 12 and 21 of the Staff Regulations. The Appointing Authority took into account, as attenuating circumstances, the fact that the official had not worked in an EU Delegation before, that his personal problems might have contributed to the difficulties at work and that, despite having been on

a long-term sick leave, he nevertheless cooperated during the disciplinary proceedings.

The Authority Empowered to Conclude Contracts of Employment imposed a reprimand on a contract staff member who sent numerous messages with inappropriate content from his professional email address to a large number of recipients from the EU institutions and to private email addresses. The messages were considered unacceptable behaviour for a Commission staff member, as they were insulting to the EU and the Member States and their citizens. The Authority Empowered to Conclude Contracts of Employment concluded that the contract staff member was in breach of Articles 11 and 12 of the Staff Regulations. The contract staff member is no longer in active service in the Commission.

Harassment

Article 12a of the Staff Regulations prohibits any form of psychological or sexual harassment.

The Authority Empowered to Conclude Contracts of Employment imposed a reprimand on a temporary staff member for having made sexually charged gestures or advances to female colleagues and for having sent messages with sexually explicit language. The Commission has a zero tolerance to any kind of psychological or sexual harassment and adopts a strict policy on protecting the dignity of the person. The Authority Empowered to Conclude Contracts of Employment thus concluded that the behaviour of the staff member constituted sexual harassment within the meaning of Article 12a (1) and (4) of the Staff Regulations. When deciding on the sanction, it took into account that the temporary staff member was no longer in active service at the Commission and that he acquired no pension rights from the EU pension scheme. Therefore, the sanction was the most severe the Authority could impose.

Unauthorised outside activities

Article 12b requires staff to seek authorisation from the Appointing Authority before engaging in an outside activity.

The Appointing Authority imposed the sanction of deferment of advancement to a higher step for a period of six months on an official who carried out outside activities without a prior request for an authorisation. Moreover, those activities were directly related to the official's work at the time of the established facts. The Appointing Authority concluded that he breached Article 12b of the Staff Regulations. Furthermore, it

was established that the official refused, following a transfer in the interest of the service, to work under the authority of his new hierarchy despite that he was regularly reminded of his obligations. The Appointing Authority concluded that he breached Articles 12 and 21 of the Staff Regulations.

The Appointing Authority imposed a reprimand on an official who established a real estate company, in which she was the sole manager, without prior request and authorisation. The Appointing Authority concluded that the official's failure to request prior authorisation for her outside activity as a manager of the company constituted a breach of Article 12b of the Staff Regulations. The official subsequently requested and obtained an authorisation, regretted not having done it earlier and cooperated during the procedure.

The Appointing Authority imposed a reprimand on an official who carried out outside activities without having requested and obtained an authorisation to do so. He was an expert and a legal adviser to an organisation, and that was made public on the website of that organisation. By not having requested a prior authorisation, the official prevented the Appointing Authority from assessing the impact of his outside activities on the reputation of the institution. The Appointing Authority concluded that the official was in breach of Article 12b of the Staff Regulations.

The Appointing Authority imposed a reprimand on an official who accepted to work as a consultant for a law firm without having requested and obtained prior authorisation to do so. The official was on leave in the interest of the service under Article 42c of the Staff Regulations, which does not exempt staff members from requesting prior authorisation to carry out outside activities. The Directorate-General for which the official worked before leaving in the interest of the service considered that the work performed by him for the law firm could put the Commission at a potential disadvantage. The Appointing Authority took into account the fact that the official regretted having failed to respect his obligations under the Staff Regulations and indicated that he would strictly respect the Commission rules in the future.

The Appointing Authority imposed a reprimand on an official who co-founded and co-owned an interpretation company, gave paid training courses, and organised a conference without having requested and obtained prior authorisation to do so. The official actively advertised his services on social media, which gave him and his outside activities a high public visibility. The Appointing Authority concluded that the official breached Articles 11a, 12 and 12b of the Staff Regulations. In deciding

on the appropriate sanction, it took into account as attenuating circumstances the fact that he fully cooperated during the disciplinary proceedings, deleted his identity details from the company's website and ultimately withdrew from the outside activities.

Failure to comply with rules on the unauthorised disclosure of non-public information

Article 17 of the Staff Regulations prohibits any unauthorised disclosure of information received in the line of duty, unless this information is already in the public domain.

The Appointing Authority downgraded by three grades in the same function group an official who disclosed, without prior authorisation, to persons external to the Commission highly sensitive and non-public documents received in his line of duty. The content of these documents then appeared in the European media. The Appointing Authority concluded that the official breached Article 11 of the Staff Regulations, which requires officials to adopt in all circumstances a conduct that is guided by the interests of the Union. It equally concluded that the official breached Article 12 of the Staff Regulations, since he failed to live up to the highest ethical standards and the dignity of the office. Thirdly, it was concluded that he breached Article 17 of the Staff Regulations. When deciding on the sanction, the Appointing Authority considered the following aggravating factors: the official disclosed the documents on a very sensitive topic, at a sensitive point of time, putting important EU negotiations at risk; he disclosed them despite having received specific and repeated instructions from his hierarchy not to do so; the disclosure risked a serious potential damage to the interests of the Commission and the Union as a whole, and the disclosure affected not only the reputation of the Commission, but also the integrity and reputation of staff members in that DG. The Appointing Authority also considered that before these facts, the official worked to the satisfaction of his hierarchy.

The Authority Empowered to Conclude Contracts of Employment¹² imposed a reprimand on a temporary staff member who, at the time of the facts, worked in a Cabinet and who sent a confidential document, which he received in the line of duty, to a news agency. It was an internal document, which was still under discussion, and the staff member had no authorisation to disclose it. The Authority Empowered to Conclude Contracts of Employment concluded that the unauthorised disclosure of the document constituted a breach of

¹² The Authority Empowered to Conclude Contracts of Employment was the EEAS.

Article 17 of the Staff Regulations, which requires staff members to refrain from any unauthorised disclosure of information received in the line of duty, unless it is public. The Authority Empowered to Conclude Contracts of Employment equally concluded that the temporary staff member breached Articles 11 and 12 of the Staff Regulations, since by disclosing an internal non-public document of the Commission, he gave preference to the interests of the journalist, and that he failed to observe his duty of loyalty, discretion and circumspection. When deciding on the appropriate sanction, the Authority Empowered to Conclude Contracts of Employment took into account the fact that the staff member explicitly recognised his breach of Article 17 of the Staff Regulations, he regretted it and undertook to respect the statutory obligations.

Unauthorised absences

Article 55(1) of the Staff Regulations requires officials to be at the disposal of their institution at all times. According to Article 60, first paragraph of the Staff Regulations, an official may not be absent without prior permission from his immediate superior, except in case of sickness or accident.

The Appointing Authority imposed a reprimand on an official who worked from abroad during the pandemic for about a month without having obtained prior authorisation and without having informed her hierarchy of her intention to work from abroad. This was in breach of the Guidelines of the Commission on teleworking during the COVID-19 pandemic, applicable at the time of the facts, according to which an authorisation to telework from outside the place of employment needs to be requested and can only be allowed exceptionally. In addition, she did not inform her hierarchy or any of her colleagues, which was disruptive for the service. She was also not at the disposal of the institution during a limited time. The Appointing Authority concluded that she infringed respectively Articles 20, 21, 55(1) and 60 of the Staff Regulations. It considered as an attenuating circumstance the fact that she apologised during the disciplinary proceedings.

V – POLICY AND COMPLIANCE

5.1. Proceedings on waiving the immunity of staff

IDOC dealt with one request for waiving the immunity from judicial proceedings, received from the judicial authority of a Member State.

In that context, in coordination with all services concerned, IDOC prepared the Decision concerning the request for waiving of immunity for adoption by the College of Commissioners.

5.2. Participation in the Inter-service Working Group on cooperation with the European Public Prosecutor's Office

With the launch of the European Public Prosecutor's Office, IDOC continued to be a member of the working group setting up the 'Agreement establishing the modalities of cooperation between the European Public Prosecutor's Office and the European Commission'. In this context, IDOC actively participated in the working group meetings on the drafting of the Agreement that took place in 2021. The Agreement was successfully adopted in July 2021. Further to that, in the second half of 2021, IDOC took part in the working group coordinating the implementation of the Agreement, which will continue its work in 2022.

5.3. Outreach to staff

While being first and foremost a service geared towards enforcing ethical rules, IDOC has also carried out activities in the area of prevention, namely awareness-raising events and training initiatives.

IDOC's outreach activities in 2021 included seven tailor-made interactive training sessions on ethics and disciplinary matters, delivered to EU staff (from the Commission, EU agencies and other EU institutions). Regular training sessions, based on IDOC case studies, were given to raise awareness on what is appropriate or forbidden to pursue as EU staff members. Specific presentations were also given to the EEAS Heads of Administration preparing to be posted to EU Delegations, to newcomers to DG HR and to the newly appointed Heads of Unit.

