

LEARN CREATE IMAGINE SHARE
TRAINING BOOKS DISCOVER Study
HEAR SEE KNOWLEDGE CULTURE
EDUCATION ERUDITION INFORMATION SCIENCE
PROGRESS SENSE CREATE
EXPERIENCE PRACTICE SKILL CERTIFY
PRACTICE PREPARE COACH CULTIVATE
GUIDE QUALIFY UPDATE FOCUS
MASTER READ RESEARCH ACHIEVEMENT
ENLIGHTEN QUALIFY UPDATE
FOCUS LISTEN MEMORY LEARNING

LEARN CREATE IMAGINE SHARE
TRAINING BOOKS DISCOVER Study
HEAR SEE KNOWLEDGE CULTURE
EDUCATION ERUDITION INFORMATION SCIENCE
PROGRESS SENSE CREATE
EXPERIENCE PRACTICE SKILL CERTIFY
PRACTICE PREPARE COACH CULTIVATE
GUIDE QUALIFY UPDATE FOCUS
MASTER READ RESEARCH ACHIEVEMENT
ENLIGHTEN QUALIFY UPDATE
FOCUS LISTEN MEMORY LEARNING

Ethics & Integrity

Contents

1. Slides presentation

2. Exercises

Exercise A

Exercises B

Exercises C

3. Annexes:

Staff Regulations Title II

Code of Good Conduct

Golden Rules

Internal control standards for effective management

Layers of integrity

By signing the presence list, participants confirm that they have been made aware of their staff conduct obligations as members of staff of the Commission

Framework Contract number ADMIN/D1/PR/2006/137/lot 6

“Provision of services concerning vocational training for staff of the institutions, bodies and agencies of the European Union”



Consortium EFE Formation

ETHICS & INTEGRITY

■ Enhancing the Environment for Professional Ethics in the Commission

Awareness-raising and Prevention

DG HR
Learning and Development

Our guiding principle

“TO PROVIDE HIGH QUALITY PUBLIC SERVICE TO 500 MILLION EU CITIZENS”

DG HR
Learning and Development

Objective of the course

- Awareness-raising on professional ethics should contribute to :
 - Understanding of staff conduct rules;
 - Prevention of wrongdoings;
 - Protection of staff in working relationships and delivery of work;
 - Recognising and minimising risk situations.

DG HR
Learning and Development

References

- Staff Regulations; Title II, Art 11-26a
- Code of Good Administrative Behaviour
- Internal Control Standards
- Communication on ethics

DG HR

Learning and Development

4

Professional ethics framework

I. Principles of professional ethics in the European Commission;

II. Main staff obligations including:

- Conflicts of interest, External activities, Freedom of Expression and discretion, Gifts and Interest Groups;
- Proper conduct, internally and externally;
- Financial liability, Whistle-blowing and Disciplinary proceedings.

DG HR

Learning and Development

5

Part I principles of professional ethics in the commission

- Institutional context
- Dimensions of ethics
- Principles of transparency and accountability
- Instruments to ensure integrity
- Key principles of EU staff conduct
- Relations with the public

DG HR

Learning and Development

6

Enhancing the environment for professional ethics in the commission

"Ensuring a Culture of Integrity, Loyalty and Trust in the Commission and in its external relations"

(Communication 5 March 2008)

DG HR

Learning and Development



Management and staff are aware of and share :

- Appropriate ethical and organisational values;
- Uphold these through their own behaviour and decision-making .

Internal Control Standards

DG HR

Learning and Development



Ethics and integrity:

- Ethics are about:
Accepted/unaccepted behaviour in organisation.
It relates to:
 - The job we perform and the services we deliver;
 - The relationships with our stakeholders;
 - Taking into account that our private conduct (external) may have an impact on our job.
- Integrity is about: One's own behaviour!

DG HR

Learning and Development



What does it mean in the European Commission?

- **Ethics:**
 - Professional staff conduct standards within and outside the Commission (Deontology) in order to provide high quality service to EU citizens
- **Integrity:**
 - Individual conduct in the light of the Commission's standards.

DG HR

Learning and Development

10

Dimensions of ethics (3 "r's" of ethics)

- **RULES**
- **RESPONSIBILITY**
- **RESPECT**

DG HR

Learning and Development

11

Respect

- **Citizen (external stakeholders)**
- **Community Resources and Property**
 - Economy, Efficiency, Effectiveness
- **Relations**
 - Working Together, Communication,
 - Diversity and Tolerance, Resolving conflicts.

DG HR

Learning and Development

12

A culture of integrity ...

...is in everybody's interest because it:

- Gives Citizens a better service;
- Promotes public trust and enhances public image of the Commission and its staff;
- Makes the Commission a better place to work.

DG HR

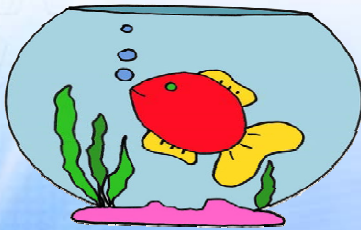
Learning and Development

13

Fish bowl

▪ Transparency

▪ Accountability



DG HR

Learning and Development

14

Our image

- High ethical standards and behaviour help to improve the reputation of the Commission and its staff.
- The diffusion of a good image stimulates higher ethical performance.

Ethics are a key principle of good governance!

DG HR

Learning and Development

15

Instruments for ensuring ethical behaviour

- Staff Conduct Rules
- Communication policy/ Training
- Control and monitoring systems/ bodies
- Disciplinary legislation
- Registering private interests
- Job rotation (mobility)
- Whistleblower policy
- Mediator/ Ethics correspondent DG
- Leadership / Role modelling /management

Instruments should lead to a self-regulating system



Learning and Development

16

Instruments for ensuring ethical behaviour

Who is looking at what?

Inside Commission:

- Internal audit capabilities in DGs
- Internal Audit Service (Commission),
- DG Budget, IDOC, OLAF,
- Data Protection Officer



Learning and Development

17

Instruments for ensuring ethical behaviour

Who is looking at what?

Outside Commission:

- Other EU institutions
 - European Parliament
 - Council
 - Court of Justice
 - Court of Auditors
- Ombudsman
- European Data Protection Supervisor



Learning and Development

18

Fundamental EU values – treaty

- “Liberty, democracy and respect for human rights and fundamental freedoms and the rule of law...solidarity”
- “United in diversity”
- Peace and worldwide perspective (Founding fathers' vision)
- “Sharing a common destiny” (basis for solidarity)

 **DG HR**

Learning and Development

19

Commission staff...

...must offer the highest standards of :

- Ability
- Efficiency
- Integrity

 **DG HR**

Learning and Development

20

Key principles of staff conduct

- To provide high:
 - INDEPENDENCE (Art 11,11a)
 - IMPARTIALITY and OBJECTIVITY (Art11,11a)
 - LOYALTY (Art 11, Art 16, Art 17a)
- By acting with:
 - RESPONSIBILITY (Art 21, 21a,22, 22a/b)
 - CIRCUMSPECTION (Art 12,12a,16,17, 17a)

 **DG HR**

Learning and Development

21

Relations with the public

- Code of Good Administrative Conduct (external): “Citizens First”

Principles of relations between Commission and public

DG HR

Learning and Development

22

Relations with the public

Principles:

- Lawfulness
- Non-discrimination and Equal Treatment
- Proportionality and Consistency
- Objectivity and Impartiality
- Transparency and accountability

DG HR

Learning and Development

23

Relations with the public

Citizens have the Right :

- To be heard;
- Reasons for decisions;
- Procedure for complaints;
- Response in the same Community language.

DG HR

Learning and Development

24

Relations with the public

ACCESS TO DOCUMENTS

General rule:

Right of access to all documents (Art 255 EU Treaty)

Unless:

Disclosure would undermine for example public or private interest, relating to data protection, security and discretion



Learning and Development

25

Relations with the public

HANDLING OF THE MEDIA:

- Refer to the spokesperson and /or ask for instructions



Learning and Development

26

Complaints from the public

- Code of good administrative behaviour;
- European Ombudsman in cases of administrative malpractices;
- Right of petition to the European Parliament.



Learning and Development

27

Ethical dilemma

- Situation is not always straightforward
- Not always obvious what is right or wrong
 - Which choice to make?
 - How to act?
- Do not confuse with ethical temptations!

DG HR

Learning and Development

28

Ethical reasoning

- Reflect before you act, Be Transparent!
 - Analyse the situation
 - Consider the consequences
 - Check (Rules, Hierarchy, Ethical correspondent DG, DG HR)
 - Take action/Decide on best option
 - Evaluate
- Ethical Reflex: "Is my behaviour risking the Commission's position?"

DG HR

Learning and Development

29

Part II: Main staff obligations

Including:

- Conflict of interest; external activities;
- Confidentiality and discretion, including publication/speeches and contacts with media;
- Obligations after leaving the service;
- Policy on gifts and other favours from third parties, including contacts with interested parties (lobbyists);
- Staff responsibilities and carrying out instructions;
- Fraud and irregularities, financial liability and disciplinary proceedings.

DG HR

Learning and Development

30

Conflict of interest

- Situations that compromise independence in decision making or are perceived or might be perceived as compromising such independence;
- When in doubt, ask and inform in advance!

DG HR

Learning and Development

31

Conflict of interest

- OBLIGATION to inform in advance!
- Avoid situations which might impair your independence or impartiality (Art 11, 11a)
- Undertakings and independence
 - Inform of your interests (Art11a)
- Inform of employment of spouse (Art13)
- No misuse of insider information (Art11,17)

DG HR

Learning and Development

32

Outside/external activities

- Obligation to ask for permission for “outside” activities, paid or not paid, in advance (Art 12b)
- Refused if activity impairs independence and/or is detrimental to the work of Commission (Art 11a, 12, 23 and 55)
- Amount of the net remuneration
 - Ceiling of €4500 per year
- Obligations after leaving the service (Art 16)

DG HR

Learning and Development

33

What to know about:

- Candidates for elective office (Art 15) => Notify the Appointing Authority
- Witness in legal proceedings => Ask permission for disclosing information related to duties (Art 19)

DG HR

Learning and Development

34

Every staff member should:

- Refrain from acts/behaviour inside or outside the Commission that could bring the image and the reputation of the Commission and its Staff into disrepute (Art 12)

DG HR

Learning and Development

35

Publications and speeches

- Freedom of expression, provided loyalty and discretion (Art 17a);
- Circumspection, confidentiality and discretion (Art 12, Art 17 and Art 18), also after leaving service;
- Publications on professional and EU matters and speeches (17a)=> Inform Appointing Authority (AIPN) in advance;
- Remuneration for publications and speeches.
- All contacts with the media about EU matters: Spokesperson.

DG HR

Learning and Development

36

Classified documents

- Information that is only for staff who need to know it for their work:
 - RESTREINT UE
 - CONFIDENTIEL UE
 - SECRET UE
 - TRES SECRET UE/EU TOP SECRET
- Consult Local Security Officer and Local Informatics Security Officer

DG HR

Learning and Development

37

Relations with interest groups (incl. lobbyists)

- European Transparency Initiative: Code of Conduct-Register for Interest Groups
 - Be Transparent: inform about external contacts and ask for instructions;
 - Be aware of Risks, in particular of Conflicts of Interest and Public Image Commission.
- Ethical Reflex: *"Is my behaviour risking the Commission's position?"*

DG HR

Learning and Development

38

Gifts

In principle NO to gifts!

Negative for public image and potential conflict of interest (Art 11,12)

- Possible Exceptions:
 - Gifts \leq €50 per year from one single source may be accepted;
 - Gifts $>$ €50 per year from one single source require prior authorisation.

Be Transparent and consider Consequences!

DG HR

Learning and Development

39

What staff should do?

- Staff should know and observe legal obligations, administrative, financial and safety/security rules and procedures;
- Be responsible for the performance of their duties and shall assist and tender advice to superiors (Art 21).
- As a general rule staff must follow instructions, unless they are manifestly illegal or constitute a breach of the relevant safety standards (Art 21a).

Do not confuse with disagreements!

DG HR

Learning and Development

40

Every staff member should:

- Refrain from acts/behaviour inside or outside the Commission that could bring the image and the reputation of the Commission and its Staff into disrepute (Art 12)
- Refrain from Harassment (Art 12a, 24)

DG HR

Learning and Development

41

Instructions from superiors

- As a general rule an official must follow instructions, unless they are manifestly illegal or constitute a breach of the relevant safety standards (Art 21a).

Do not confuse with disagreements!

DG HR

Learning and Development

42

Finances and budget

- **Fact:**
95 % of the EU budget is spent in the form of money transfers benefiting private institutions and people
- Dealing with finances is sensitive issue:
Sound financial management is top priority.
(Refer: fish in a fishbowl)

DG HR

Learning and Development

43

Public procurement and grants

Public procurement and grants are sensitive area for mistakes!
Important as more than 90% of budget is spent this way!

- **Main Principles:**
 - Transparency
 - Proportionality
 - Equal treatment and non-discrimination
- Code of Good Administrative Behaviour
Beware of conflicts of interest!

DG HR

Learning and Development

44

Financial liability

- Staff members may be held responsible for any financial damage as a result of serious personal misconduct in relation with the performance of his/her duties (Art 22).

DG HR

Learning and Development

45

REPORTING OF FRAUD AND DISCIPLINARY MATTERS

46

Olaf:

- Fights against fraud, corruption and other serious illegal financial activities affecting the EU-budget
 - Also charged with investigating serious matters relating to officials' obligations

47

Disciplinary measures

Title 6, Art 86 and Annex IX Staff Reg.

- Failure to comply with staff obligations may lead to disciplinary action;
- Disciplinary investigations: OLAF and/or Appointing Authority (AIPN);
- IDOC: Administrative inquiries (independently) and prepares disciplinary proceedings of Disciplinary Board. IDOC reports are published;
- Rights of staff: to be heard, access to certain documents and of defence;
- AIPN decides on measures. Appeal procedure.

48

Whistleblowing

Art 22a/b Staff Regulations

- Duty to report immediately suspicions of illegal acts/ serious failure to comply with staff obligations, in exercise of duties, to Superior/ Director General/ SG and OLAF;
- Staff member has the right to be protected and should suffer no negative consequences, provided he/she acted reasonably and honestly;
- President of Commission, Court of Auditors, Council or EP or Ombudsman may be addressed only if own Institution/ OLAF have not taken action within 60 days.

 **DG HR**

Learning and Development

49

Integrity comes from inside

- Keeping the highest ethical standards in the conduct of our work is a continuous process and effort. We cannot afford to be complacent.
- It is our shared responsibility to act and decide in accordance with the Commission's ethical standards.
- We should set the good example ourselves!

 **DG HR**

Learning and Development

50

Further sources of information

- Staff Regulations and Financial Regulations;
- Code of Good Administrative Behaviour;
- Communication on Ethics;
- Internal Control Standards;
- Practical Guide on Staff Ethics and Conduct.


Consult Pers Admin Intranet site Staff Ethics and Conduct:
http://myintracom.ec.europa.eu/hr_admin/en/ethics/Pages/index.aspx


 **DG HR**

Learning and Development

51

Questions and answers
Thanks for your attention

 **DGHR**
Leaving no one behind



EXERCISE A

Why ensuring professional ethics is important? List the benefits of good ethical conduct for the EU citizen (external stakeholders), the European Commission and yourself as a staff member:

- 1
- 2
- 3
- 4
- 5
- 6
- 7



EXERCISES B

Please note that a proper answer depends on knowing all the facts and circumstances in a case.

1. The Stapler

Your child has to collate papers for a project at home. You do not have a stapler so you take the stapler from the office for permanent use at home.

Can you do this?

2. Free Trip to the UK

An in-house trainer has been invited by a training provider to attend an interesting and important training conference in the UK. The conference is considered of utmost relevance for the Training Office and courses which need to be developed in the very short term, but there is no mission budget available. The offer includes Eurostar tickets and free conference passes. There is a training call of tender going out in 3 months and no one knows if this training provider will answer the call for tender or not.

Could the trainer accept?

3. The Translator

A Commission translator works in her/his free time for a private translation company, which due to the excellent quality of her/his work-increases her/his workload, so that the official starts to work during office hours for her/his private company.

Can the official do this?

4. Sheep

An official is fascinated by the idea of preserving old races of sheep having no economic value anymore and which are threatened with extinction. In the evenings and during the weekends, the official cares for a herd of such sheep kept in a stable at her/his private premises. Due to her/his activity he/she becomes a well-known expert in her/his field. He/she is invited to presentations and speeches on her/his private activity. He/she also starts publishing a book and a web-site on her/his hobby.

Is this allowed?

5. Gift

One of the major lobbyists with whom you have to deal regularly is inviting you and your family for a Christmas dinner in a fancy restaurant as a token of appreciation for the good relationship.

How would you act upon this offer?

6. The Head of Unit's daughter

A head of unit ask his/her secretary to make a series of tables in Excel for the thesis of his/her daughter at the university during office hours. As it is a less busy period and the secretary is very helpful, the person accepts to make the tables.

Can the head of unit ask this from the secretary?



EXERCISES C

Please note that a proper answer depends on knowing all the facts and circumstances

1. The subsidy

An official working in a unit responsible for dealing with a fund for technologically innovative projects considers awarding a subsidy to a very promising project but the file is not in order. If she/he requests for the vital information till lacking, he/she is likely to miss the deadline for approval and misses the opportunity for a showcase project for the unit. What should the official do?

2. The call for tender

You are told by your head of unit to give in-depth information about services that are to be carried out to a candidate who stands for an open call for tender. This information is not disclosed to other candidates. What do you do?

3. Mr X

Mr X, an official of the Commission, is drunk at a pub near his office. Whilst there he begins to be have appallingly. He throws a glass through a window, tells a journalist confidential information and swears at the waiter. Is his conduct subject to disciplinary proceedings?

4. Safety checks

A colleague at a Commission's research institute is responsible for safety checks at the laboratory in which dangerous substances are stored. Despite several warnings from his superior, he omits regularly to follow the safety procedures. One day a fire breaks out in the laboratory. Investigation shows that the fire could have been avoided if the checks would have been carried out properly. What might be the consequences for the colleague?

5. Letter

By mistake you get a letter which is addressed to a colleague in your unit. The chairperson of a major service provider, which won a big call for tender of your DG recently, was expressing her gratitude to your colleague. The inside information she got from him enabled her company to make a successful bid. She expressed her hope the good collaboration was to continue in the same way next year. How do you react?

ANNEX 1

STAFF REGULATIONS

Title II: Rights and obligations of officials

Article 11

An official shall carry out his duties and conduct himself solely with the interests of the Communities in mind; he shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Communities.

An official shall not without the permission of the appointing authority accept from any government or from any other source 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.

Article 11a

1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.

2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.

3. An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

Article 12

An official shall refrain from any action or behaviour which might reflect adversely upon his position.

Article 12a

1. Officials shall refrain from any form of psychological or sexual harassment.

2. An official who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution. An official who has given evidence on psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution, provided the official has acted honestly.

3. "Psychological harassment" means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person.

4. "Sexual harassment" means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.

Article 12b

1. Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Communities, shall first obtain the permission of the Appointing Authority. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the institution.

2. An official shall notify the Appointing Authority of any changes in a permitted outside activity or assignment, which occur after the official has sought the permission of the Appointing Authority under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1.

Article 13

If the spouse of an official is in gainful employment, the official shall inform the appointing authority of his institution. Should the nature of the employment prove to be incompatible with that of the official and if the official is unable to give an undertaking that it will cease within a specified period, the appointing authority shall, after consulting the Joint Committee, decide whether the official shall continue in his post or be transferred to another post.

Article 14

Repealed

Article 15

1. An official who intends to stand for public office shall notify the Appointing Authority. The Appointing Authority shall decide, in the light of the interests of the service, whether the official concerned:

- (a) should be required to apply for leave on personal grounds, or
- (b) should be granted annual leave, or
- (c) may be authorised to discharge his duties on a part-time basis, or
- (d) may continue to discharge his duties as before.

2. An official elected or appointed to public office shall immediately inform the Appointing Authority. The Appointing Authority shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the official is required to take leave on personal grounds or is authorised to

discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the official's term of office.

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 interests of the institution, the Appointing Authority 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 17

1. An official shall 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.

2. An official shall continue to be bound by this obligation after leaving the service.

Article 17a

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

2. 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 Appointing Authority in advance.

Where the Appointing Authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Communities, the Appointing Authority 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 period, the Appointing Authority shall be deemed to have had no objections.

Article 18

1. All rights in any writings or other work done by any official in the performance of his duties shall be the property of the Community to whose activities such writings or work relate. The Communities shall have the right to acquire compulsorily the copyright in such works.

2. Any invention made by an official in the course of or in connection with the performance of his duties shall be the undisputed property of the Communities. The institution may, at its

own expense and on behalf of the Communities, apply for and obtain patents therefore in all countries. Any invention relating to the work of the Communities made by an official during the year following the expiration of his term of duty shall, unless proved otherwise, be deemed to have been made in the course of or in connection with the performance of his duties. Where inventions are the subject of patents, the name of the inventor or inventors shall be stated.

3. The institution may in appropriate cases award a bonus, the amount of which shall be determined by the institution, to an official who is the author of a patented invention.

Article 19

An official shall not, without permission from the appointing authority, 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 of the European Communities or before the Disciplinary Board of an institution on a matter concerning a servant or former servant of one of the three European Communities.

Article 20

An official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties.

Article 21

An official, whatever his rank, shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.

An official in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibility.

Article 21a

1. An official who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, who shall, if the information is given in writing, reply in writing. Subject to paragraph 2, if the immediate superior confirms the orders and the official believes that such confirmation does not constitute a reasonable response to the grounds of his concern, the official shall refer the question in writing to the hierarchical authority immediately above. If the latter confirms the orders in writing, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards.

2. If the immediate superior considers that the orders must be executed promptly, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the official, the immediate superior shall be obliged to give such orders in writing.

Article 22

An official may be required to make good, in whole or in part, any damage suffered by the Communities as a result of serious misconduct on his part in the course of or in connection with the performance of his duties.

A reasoned decision shall be given by the appointing authority in accordance with the procedure laid down in regard to disciplinary matters.

The Court of Justice of the European Communities shall have unlimited jurisdiction in disputes arising under this provision.

Article 22a

1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which gives rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Communities, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Communities shall without delay inform either his immediate superior or his Director-General or, if he considers it useful, the Secretary-General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) direct.

Information mentioned in the first subparagraph shall be given in writing.

This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of a Member of an institution or any other person in the service of or carrying out work for an institution.

2. Any official receiving the information referred to in paragraph 1 shall without delay transmit to OLAF any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.

3. An official shall not suffer any prejudicial effects on the part of the institution as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he acted reasonably and honestly.

4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 22b

1. An official who further discloses information as defined in Article 22a to the President of the Commission or of the Court of Auditors or of the Council or of the European Parliament,

or to the European Ombudsman, shall not suffer any prejudicial effects on the part of the institution to which he belongs provided that both of the following conditions are met:

- (a) the official honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
- (b) the official has previously disclosed the same information to OLAF or to his own institution and has allowed the OLAF or that institution the period of time set by the Office or the institution, given the complexity of the case, to take appropriate action. The official shall be duly informed of that period of time within 60 days.

2. The period referred to in paragraph 1 shall not apply where the official can demonstrate that it is unreasonable having regard to all the circumstances of the case.

3. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 23

The privileges and immunities enjoyed by officials are accorded solely in the interests of the Communities. Subject to the Protocol on Privileges and Immunities, officials shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force.

When privileges and immunities are in dispute, the official concerned shall immediately inform the appointing authority.

The laissez-passer provided for in the Protocol on Privileges and Immunities shall be issued to officials in grades grade AD 12 to AD 16 and equivalent grades. Where the interests of the service so require, this laissez-passer may be issued, by special decision of the appointing authority, to officials in other grades whose place of employment lies outside the territory of the Member States.

Article 24

The Communities shall assist any official, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties.

They shall jointly and severally compensate the official for damage suffered in such cases, in so far as the official did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

Article 24a

The Communities shall facilitate such further training and instruction for officials as is compatible with the proper functioning of the service and is in accordance with its own interests.

Such training and instruction shall be taken into account for purposes of promotion in their careers.

Article 24b

Officials shall be entitled to exercise the right of association; they may in particular be members of trade unions or staff associations of European officials.

Article 25

Officials may submit requests concerning issues covered by these Staff Regulations to the Appointing Authority of their institution.

Any decision relating to a specific individual which is taken under these Staff Regulations shall at once be communicated in writing to the official concerned. Any decision adversely affecting an official shall state the grounds on which it is based.

Specific decisions regarding appointment, establishment, promotion, transfer, determination of administrative status and termination of service of an official shall be published in the institution to which the official belongs. The publication shall be accessible to all staff for an appropriate period of time.

Article 26

The personal file of an official shall contain:

- (a) all documents concerning his administrative status and all reports relating to his ability, efficiency and conduct;
- (b) any comments by the official on such documents.

Documents shall be registered, numbered and filed in serial order; the documents referred to in subparagraph (a) may not be used or cited by the institution against an official unless they were communicated to him before they were filed.

The communication of any document to an official shall be evidenced by his signing it or, failing that, shall be effected by registered letter to the last address communicated by the official.

An official's personal file shall contain no reference to his political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

The precedent paragraph shall not however prohibit the insertion in the file of administrative acts and documents known to the official which are necessary for the application of these Staff Regulations.

There shall be only one personal file for each official.

An official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file and to take copies of them.

The personal file shall be confidential and may be consulted only in the offices of the administration or on a secure electronic medium. It shall, however, be forwarded to the Court of Justice of the European Communities if an action concerning the official is brought.

Article 26a

Officials shall have the right to acquaint themselves with their medical files, in accordance with arrangements to be laid down by the institutions.

ANNEX 2

CODE OF GOOD ADMINISTRATIVE BEHAVIOUR FOR STAFF OF THE EUROPEAN COMMISSION IN THEIR RELATIONS WITH THE PUBLIC

Quality service

The Commission and its staff have a duty to serve the Community interest and, in so doing, the public interest.

The public legitimately expects quality service and an administration that is open, accessible and properly run.

Quality service calls for the Commission and its staff to be courteous, objective and impartial.

Purpose

In order to enable the Commission to meet its obligations of good administrative behaviour and in particular in the dealings that the Commission has with the public, the Commission undertakes to observe the standards of good administrative behaviour set out in this Code and to be guided by these in its daily work.

Scope

The Code is binding on all staff covered by the Staff Regulations and the other legal provisions on relations between the Commission and its staff that are applicable to officials and other servants of the European Communities. However, persons employed under private law contracts, experts on secondment from national civil services and trainees, etc. working for the Commission should also be guided by it in their daily work.

Relations between the Commission and its staff are governed exclusively by the Staff Regulations and the Rules applicable to other servants of the European Communities.

1. GENERAL PRINCIPLES OF GOOD ADMINISTRATION

The Commission respects the following general principles in its relations with the public.

- Lawfulness -

The Commission acts in accordance with the law and applies the rules and procedures laid down in Community legislation.

- Non-discrimination and equal treatment-

The Commission respects the principle of non-discrimination and in particular, guarantees equal treatment for members of the public irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation. Thus, differences in treatment of similar cases must be specifically warranted by the relevant features of the particular case in hand.

- Proportionality –

The Commission ensures that the measures taken are proportional to the aim pursued.

In particular, the Commission will ensure that the application of this Code never leads to the imposition of administrative or budgetary burdens out of proportion to the benefit expected.

-Consistency –

The Commission shall be consistent in its administrative behaviour and shall follow its normal practice. Any exceptions to this principle must be duly justified.

2 GUIDELINES FOR GOOD ADMINISTRATIVE BEHAVIOUR

- Objectivity and impartiality –

Staff shall always act objectively and impartially, in the Community interest and for the public good. They shall act independently within the framework of the policy fixed by the Commission and their conduct shall never be guided by personal or national interest or political pressure.

- Information on administrative procedures –

Where a member of the public requires information relating to a Commission administrative procedure, staff shall ensure that this information is provided within the deadline fixed for the procedure in question.

3 INFORMATION ON THE RIGHTS OF INTERESTED PARTIES

- Listening to all parties with a direct interest –

Where Community law provides that interested parties should be heard, staff shall ensure that an opportunity is given to them to make their views known.

- Duty to justify decisions –

A Commission decision should clearly state the reasons on which it is based and should be communicated to the persons and parties concerned.

As a general rule full justification for decisions should be given. However, where it may not be possible, for example because of the large number of persons concerned by similar decisions, to communicate in detail the grounds of individual decisions, standard replies may be given. These standard replies should include the principal reasons justifying the decision taken. Furthermore, an interested party who expressly requests a detailed justification shall be provided with it.

- Duty to state arrangements for appeals –

Where Community law so provides, measures notified to an interested party should clearly state that an appeal is possible and describe how to submit it, (the name and office address of

the person or department with whom the appeal must be lodged and the deadline for lodging it).

Where appropriate, decisions should refer to the possibility of starting judicial proceedings and/or of lodging a complaint with the European Ombudsman in accordance with Article 230 or 195 of the Treaty establishing the European Community.

4 DEALING WITH ENQUIRIES

The Commission is committed to answering enquiries in the most appropriate manner and as quickly as possible.

- Requests for documents –

If a document has already been published, the person making the enquiry will be directed to the Publications Office's (OPOCE) sales agents or to the documentation or information centres which provide free access to documents such as Info-points, European documentation centres, etc. Many documents are also easily accessible in electronic form.

The rules on access to documents are laid down in a specific measure.

- Correspondence –

In accordance with Article 21 of the Treaty establishing the European Community, members of the public who write to the Commission shall receive a reply in the language of their initial letter, provided that it was written in one of the official languages of the European Union.

A reply to a letter addressed to the Commission shall be sent within fifteen working days from the date of receipt of the letter by the responsible Commission department. The reply should identify the person responsible for the matter and state how he or she may be contacted.

If a reply cannot be sent within the deadline mentioned above, and in all cases where the reply requires other work on it, such as interdepartmental consultation or translation, the member of staff responsible should send a holding reply, indicating a date by which the addressee may expect to be sent a reply in the light of this additional work, taking into account the relative urgency and complexity of the matter.

If the reply is to be drawn up by a department other than the one to which the initial correspondence is addressed, the person making the enquiry should be informed of the name and address of the person to whom the letter has been passed.

These rules do not apply to correspondence which can reasonably be regarded as improper, for example, because it is repetitive, abusive and/or pointless. Then the Commission reserves the right to discontinue any such exchanges of correspondence.

- Telephone communication –

When answering the telephone, staff shall identify themselves or their department. They shall return telephone calls as promptly as possible.

Staff replying to enquiries shall provide information on subjects for which they have direct responsibility and should direct the caller to the specific appropriate source in other cases. If necessary, they should refer callers to their superior or consult him or her before giving the information.

Where enquiries concern areas for which staff are directly responsible, they shall establish the identity of the caller and check whether the information has already been made public before giving it out. If this is not the case, the member of staff may consider that it is not in the Community interest for the information to be disclosed. In this case he or she should explain why they are unable to disclose it and refer in appropriate cases to the obligation to exercise discretion as laid down in Article 17 of the Staff Regulations.

When appropriate, staff should request confirmation in writing of the enquiries made by telephone.

- Electronic mail –

Staff shall reply to e-mail messages promptly following the guidelines described in the section on telephone communication.

However, where the e-mail message is, by its nature, the equivalent of a letter, it shall be handled according to the guidelines for handling correspondence and shall be subject to the same deadlines.

- Requests from the media –

The Press and Communication Service, is responsible for contacts with the media. However, when requests for information concern technical subjects falling within their specific areas of responsibility, staff may answer them.

5 PROTECTION OF PERSONAL DATA AND CONFIDENTIAL INFORMATION

The Commission and its staff shall respect, in particular:

- the rules on the protection of personal privacy and personal data;
- the obligations set out in Article 287 of the Treaty and in particular those which relate to the protection of professional secrecy;
- the rules on the protection of secrecy of criminal investigations;
- the confidentiality of matters falling within the ambit of the various committees provided for in Article 9 and Annexes II and III of the Staff Regulations.

6 COMPLAINTS

- The European Commission –

Members of the public may lodge complaints concerning a possible breach of the principles set out in this Code directly with the Secretariat-General¹ of the European Commission, which will forward it to the relevant department.

The Director-General or Head of Department will reply to the complainant in writing, within two months. The complainant then has one month in which to apply to the Secretary-General of the Commission to review the outcome of the complaint. The Secretary-General will reply to the request for a review within one month.

- The European Ombudsman² –

Members of the public are also entitled to lodge complaints with the European Ombudsman in accordance with Article 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman³.

¹ Complaint forms can be downloaded at: http://europa.eu.int/comm/secretariat_general/code/index_en.htm or obtained on request from the following addresses:

by post: Secretariat-General of the European Commission,
Unit SG/B/2 "Openness, access to documents, relations with civil society",
rue de la Loi 200, B-1049 Brussels (fax: +32-2-296.72.42)

by e-mail: SG-Code-de-bonne-conduite@cec.eu.int

² Website: <http://www.euro-ombudsman.eu.int>

³ By mail: The European Ombudsman
1 avenue du Président Robert Schuman
B.P. 403
F-67001 Strasbourg Cedex

GOLDEN RULES OF STAFF CONDUCT

In order to adhere to the essential elements involved in staff ethical conduct:

- Serve the public interest, by acting with integrity and being objective and impartial in your work
- Be loyal to the Commission
- Provide citizens and others with the quality service you would expect yourself
- Remember that you are the human face of the Commission and that others will judge the Commission on the basis of what they see and experience
- Carry out the tasks assigned to you with responsibility and to the best of your ability
- Treat your colleagues with respect
- Make sure your conduct is beyond reproach, by not knowingly being a party to an activity that could bring the commission into disrepute or could cause your impartiality to be questioned
- Ensure that you are aware of the relevant legal obligations, rules and procedures
- If you are unsure whether something you do or are asked to do is ethical, consult the relevant information and if in doubt, ASK your superior or your local HR unit.



INTERNAL CONTROL STANDARDS

Management and staff are aware and share:

- Appropriate ethical and organisational values;
- Uphold these through their own behaviour and decision-making.

Internal control:

- Process intended to provide reasonable assurance regarding the achievement of the objectives of the services of the Commission;
- The management and staff should take the appropriate measures to ensure that:
 - Operational activities are effective and efficient
 - Legal and regulatory requirements are met
 - Financial and other management reporting is reliable
 - Assets and information are safeguarded.



- THE REVISED INTERNAL CONTROL STANDARDS FOR EFFECTIVE MANAGEMENT

Note: In this appendix, the term "DG" refers either to a directorate-general, a service, an office or an executive agency.

Mission and Values

- 1. Mission:** The DG's *raison d'être* is clearly defined in up-to-date and concise mission statements developed from the perspective of the DG's customers.
- 2. Ethical and Organisational Values:** Management and staff are aware of and share appropriate ethical and organisational values and uphold these through their own behaviour and decision-making.

Human Resources

- 3. Staff Allocation and Mobility:** The allocation and recruitment of staff is based on the DG's objectives and priorities. Management promote and plan staff mobility so as to strike the right balance between continuity and renewal.
- 4. Staff Evaluation and Development:** Staff performance is evaluated against individual annual objectives, which fit with the DG's overall objectives. Adequate measures are taken to develop the skills necessary to achieve the objectives.

Planning and Risk Management Processes

- 5. Objectives and Performance Indicators:** The DG's objectives are clearly defined and updated when necessary. These are formulated in a way that makes it possible to monitor their achievement. Key performance indicators are established to help management evaluate and report on progress made in relation to their objectives.
- 6. Risk Management Process:** A risk management process that is in line with applicable provisions and guidelines is integrated into the annual activity planning.

Operations and Control Activities

- 7. Operational Structure:** The DG's operational structure supports effective decision-making by suitable delegation of powers. Risks associated with the DG's sensitive functions are managed through mitigating controls and ultimately staff mobility. Adequate IT governance structures are in place.
- 8. Processes and Procedures:** The DG's processes and procedures used for the implementation and control of its activities are effective and efficient, adequately documented and compliant with applicable provisions. They include arrangements to ensure segregation of duties and to track and give prior approval to control overrides or deviations from policies and procedures.
- 9. Management Supervision:** Management supervision is performed to ensure that the implementation of activities is running efficiently and effectively while complying with applicable provisions.
- 10. Business Continuity:** Adequate measures are in place to ensure continuity of service in case of "business-as-usual" interruption. Business Continuity Plans are in place to ensure that the Commission is able to continue operating to the extent possible whatever the nature of a major disruption.
- 11. Document Management:** Appropriate processes and procedures are in place to ensure that the DG's document management is secure, efficient (in particular as regards retrieving appropriate information) and complies with applicable legislation.

Information and Financial Reporting

12. Information and Communication: Internal communication enables management and staff to fulfil their responsibilities effectively and efficiently, including in the domain of internal control. Where appropriate, the DG has an external communication strategy to ensure that its external communication is effective, coherent and in line with the Commission's key political messages. IT systems used and/or managed by the DG (where the DG is the system owner) are adequately protected against threats to their confidentiality and integrity.

13. Accounting and Financial Reporting: Adequate procedures and controls are in place to ensure that accounting data and related information used for preparing the organisation's annual accounts and financial reports are accurate, complete and timely.

Evaluation and Audit

14. Evaluation of Activities: Evaluations of expenditure programmes, legislation and other non-spending activities are performed to assess the results, impacts and needs that these activities aim to achieve and satisfy.

15. Assessment of Internal Control Systems: Management assess the effectiveness of the DG's key internal control systems, including the processes carried out by implementing bodies, at least once a year.

16. Internal Audit Capability: The DG has an Internal Audit Capability (IAC), which provides independent, objective assurance and consulting services designed to add value and improve the operations of the DG.

LAYERS OF INTEGRITY

SOCIETY

- Religion, philosophy
- Values and norms
- Culture
- History
- Political and legal system

HUMAN RIGHTS

NATIONAL LEGAL, POLITICAL and ADMINISTRATIVE SYSTEM

- Constitution
- Trust in political system and public sector
- Openness and transparency
- Efficiency and effectiveness
- Separation of powers
- Reliable and effective judicial and control system (e.g. police)
- Political leadership

DEMOCRACY

NATIONAL PUBLIC SERVICE

- Image of the public service
- Working conditions
- Transparency of decision-making process
- Control
- Political leadership
- Codes of conduct
- National regulations
- Whistleblowing
- Disciplinary legislation

**ACCOUNT-
ABILITY**

**GOOD
ADMINISTRATION**

ORGANISATIONAL LEVEL

- Culture, communication, transparency, control, guidelines (code of ethics)
- Human resource management, working conditions, training, procedures, leadership, role models, job rotation, recruitment

RULE OF LAW

EFFICIENCY

EFFECTIVENESS

INDIVIDUAL LEVEL

- Individuals ethics, personal philosophy, community values, professional values, etc.

FAIRNESS

