



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
HR.E – Legal Affairs & Partnerships
HR.E.3 – Ethics and Ombudsman

Brussels, 24 September 2020

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Subject: Your application for access to documents – Ref/GestDem No 2020/4871

Dear Ms Da Silva,

I refer to your request for access to documents, registered on 17 August 2020 under reference number 2020/4871.

Your request concerns “...documents which contain the following information:
- dedicated training, presentations and information materials that were prepared to raise outgoing and incoming cabinet members’ awareness of their ethical obligations,
- The most up to date Practical guide to ethics and conduct,
- any statistics or analysis relevant to the implementation of Staff Regulations Article 16 and Article 40. I am particularly interested in finding the number of requests that were rejected.”

I have examined your request under the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. I understand that your request refers to three elements:

- (A) Dedicated training, presentations and information materials prepared to raise awareness of the ethical obligations of outgoing and incoming cabinet members serving in the context of the 2019 transition between the “Juncker Commission” (2014-2019) and the “Von der Leyen Commission” (2019 - 2024).
- (B) The latest version of the Practical Guide to Staff Ethics and Conduct.
- (C) Statistics or analysis regarding the implementation of Staff Regulations Article 16 and Article 40, with particular interest in the number of requests rejected. Please note that Article 40 of the Staff Regulations covers the possibility of a Commission staff member

to request unpaid leave on personal grounds. As your request is oriented towards ethical issues in the European Commission, we understand that you might have been referring to the requests submitted by staff members in the context of Article 12b of the Staff Regulations in relation with Article 40, that means a staff member request to perform an outside activities (Article 12b) while on leave on personal ground (Article 40). Therefore, our understanding of this part of your request is that, in addition to any statistics or analysis relevant to the implementation on requests for occupational activities after leaving the service you also requested (Article 16), you would like to obtain this information for requests for outside activities while on leave on personal grounds (Article 12b and Article 40) – with particular attention to the number of rejected requests.

In this context, the documents identified in the framework of your request relating to the topic (A) that were prepared to raise awareness of the ethical obligations of the Cabinet fall into two main categories: (a) Guides and Vademecums, (b) Presentations that were used during the trainings and/or information sessions happening in 2019 and 2020 (Information Sessions on end of contracts for temporary agents in the Cabinets, the EPSC and the SPP, Welcome Seminar for the new Von der Leyen Commission, Ethics and Transparency induction sessions).

The documents identified are the following:

- the parts of the **“Termination of service of temporary staff – Practical Guide 2019”** falling under the scope of your request,
- the parts of the **“Vademecum and welcome pack for Heads of Cabinet”** falling under the scope of your request,
- the parts of the **“Vademecum and welcome pack for staff in the Cabinets”** falling under the scope of your request,
- a presentation on **“Staff member’s ethical obligations after leaving the Commission”**,
- a presentation on **“Staff ethics and conduct – training offer for the new Cabinets”**,
- a presentation on **“Staff ethics and conduct - Welcome seminar for staff members in the Cabinets of the von der Leyen Commission”**, and
- a presentation on the **“Ethical framework for Members of the European Commission”**.

I enclose copies of the above-mentioned documents.

In addition to your request, please note that the European Commission staff members serving in a Cabinet have access to additional informational resources regarding their ethical obligations. This includes access to the dedicated intracomm pages for Cabinets, which include a comprehensive section on “Ethics and integrity” providing further ethics information tailor-made to their task and duties (I enclose a copy of the pages of this site).

Moreover, Cabinet staff members are being reminded as part of the communication addressed to them that they can find more information on the general intracomm webportal of the

Commission (“MyIntracomm”) on “Staff Matters” which has a specialized section on “Ethics and staff conduct”. They are also been made aware that the Commission offers various training in the field of ethics to its staff members (the general “Ethics & Integrity” training, as well as to the “Dealing with Lobbyists” training).

Please note that these other resources to raise the awareness of staff on ethics have not been specifically prepared for the transition between the incoming and outgoing Commissions in 2019, as you requested, but are more of a general nature and permanent access. Nevertheless, I thought you might find this information useful in the context of your request for access to documents.

Regarding part (B) of your request, I enclose a copy of the August 2019 version of the **“Practical Guide to Staff Ethics and Conduct”** prepared by DG HR.

In addition, and beyond the scope of your request, I think you could find useful the September 2019 version of the **“European Commission Ethics Guide”** drafted by the Secretariat-General. Please find a copy enclosed.

As regards the last element of your request (C) on the implementation of Article 16 of the Staff Regulations, I have asked my services to extract from the relevant working database the statistics for the 2019 requests on occupational activities after leaving the service. In the year 2019, the Appointing Authority adopted 363 favourable Decisions and 3 unfavourable Decisions. Please note that in all favourable decisions reminders on all ongoing statutory obligations applicable after leaving the service are always listed therein and, if imposed by the Appointing Authority, specific restrictions/conditions on the requested activity are included too.

In addition, you might find useful the reports on occupational activities of former senior officials, published annually and available on the “Service standards and principles” website of the European Commission under the section “Transparency”:
https://ec.europa.eu/info/about-european-commission/service-standards-and-principles_en

In relation with the number of requests for outside activities while on unpaid leave on personal grounds (based on Article 12b in combination with Article 40 of the Staff Regulations), I have asked my service to extract from the relevant staff database the following statistics for 2019: 594 Decisions were favourable and 3 Decisions were unfavourable. Please note that in all favourable decisions reminders on all statutory obligations applicable while on unpaid leave on personal grounds are always listed therein and, if imposed by the Appointing Authority, specific restrictions/conditions on the requested activity are included too.

You may reuse the documents requested and the provided statistics free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

Yours sincerely,
(e-signed)

Dominique ENJOLRAS
Head of Unit

List of the enclosed documents:

- 1- Termination of Service TA Practical Guide 2019_RelevantExtracts
- 2- VADEMECUM HoC_RelevantExtracts
- 3- VADEMECUM staff_RelevantExtracts
- 4- OUTGOING Ethics obligations after leaving the service final 9.07.19
- 5- New CABs ethics presentation
- 6- 20191206_Ethics_WelcomeSeminar
- 7- Welcome Day CAB staff info on Ethics for Members Commission
- 8- Intracomm pages for Cabinets (section on “Ethics and integrity”)
- 9- HR Practical_Guide_Ethics August2019
- 10- FINAL SG Ethics_Guide Sept2019