



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HOME AFFAIRS  
DIRECTORATE-GENERAL FOR JUSTICE

Shared Resource Directorate  
**Unit 02 : Human resources**

## CODE ON PROFESSIONAL ETHICS IN DG HOME AFFAIRS and DG JUSTICE<sup>1</sup>

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<sup>1</sup> Based on the Code on Professional Ethics of DG TRADE and adapted from the July 2009 edition of the DG JLS Code on Professional Ethics

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## FOREWORD

During your career in the Commission as an official, temporary agent, contract agent or seconded national expert (SNE), you may face ethical issues and need to consult the appropriate legislation or practice in the field in question. This Code on Professional Ethics will help staff of DG Home Affairs and DG Justice in this area. It complements the information made available by the [Code of Good Administrative Behaviour of DG HR](#)<sup>2</sup>.

DG Home Affairs and DG Justice policies are at the heart of the Commission's priorities work programme and tackle many sensitive issues such as immigration, asylum, visa policy, fundamental rights, drugs, justice, terrorism and organised crime.

It is one of the top priorities to ensure that all staff in DG Home Affairs and DG Justice meets the highest ethical standards in the performance of duties to safeguard our reputation and credibility vis-à-vis Member States, the legal communities, other stakeholders and the general public.

To reflect the importance which the two DGs attach to ensuring that staff members uphold the highest standards of integrity and adhere to the ethical Code in a coherent and consistent manner, the function of an Ethics Correspondent has been created.

The ethics rules are meant to protect not only the Commission's interests, but also its reputation. They also protect individual staff members and third parties from any malicious allegations or misrepresentations. The goal of the present Code is to set out and clarify the rules concerning ethics and integrity that derive from the Staff Regulations, the Conditions of Employment of Other Servants of the European Communities, the Commission Decision C(2004)1597/10 of 28 April 2004, as well as in other relevant implementing provisions.

The Code applies to all staff of DG Home Affairs and DG Justice (officials, contract and temporary agents, SNEs, trainees)<sup>3</sup>. The Ethics page on the local intranet (acts as an important supplement, as it contains the key articles of the staff regulations, guides and procedural guides, and constitutes a rich source of information and guidance.

One should bear in mind, however, that neither the examples and recommendations, nor the rules that are in place, will necessarily always provide a solution for potentially delicate situations in which you may find yourself during your career in the Commission. Consult your hierarchy in case of doubt, inform your hierarchy about possible conflicts of interest, contacts with third parties, outside activities, etc. You should at all times behave with due caution and discernment, use your common sense and remember the principles that govern our professional activity: independence, loyalty, responsibility, circumspection<sup>4</sup> and a spirit of service.

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<sup>2</sup> [http://myintracomm.ec.europa.eu/hr\\_admin/en/code/Pages/conduct.aspx](http://myintracomm.ec.europa.eu/hr_admin/en/code/Pages/conduct.aspx)

<sup>3</sup> For staff not covered by the statute (e.g. external experts, staff of external contactors, SNEs and trainees), please refer to Annex V.

<sup>4</sup> **Circumspection:** stopping and reflecting on the possible consequences and implications of potential actions, showing a degree of moderation and conducting yourself at all times with a due sense of proportion and propriety.

## 1. INTRODUCTION

The objective of the Code on Professional Ethics of DG Home Affairs and DG Justice is to create a local framework on professional ethics and integrity in the two DGs, taking into account the recommendations of the audit report of organisational ethics<sup>5</sup> performed by the Internal Audit Unit.

The goal of the present Code is to set out and clarify the rules concerning ethics and integrity that derive from the Staff Regulations, the Conditions of Employment of Other Servants of the European Communities, the Commission Decision C(2004)1597/10 of 28 April 2004 on outside activities and the Community case-law<sup>6</sup>. This Code creates a local ethical framework and is largely based on the central [Practical Guide on Ethics](#), which has been created for information purposes only and has no legal value.

In addition to this Code, a series of Quick Guides on specific topics is developed as such, providing DG Home Affairs and DG Justice staff with practical information on rules of ethical conduct – in particular by tailoring such information to the DG's specific circumstances and day-to-day activities.

To this end, the Code encloses some practical examples, based mostly on situations which occur in the daily life of DG Home Affairs and DG Justice.

The final scope is to comply with all rules laid down in the central framework on professional ethics and integrity, as set out by VP Kallas in his Communication of 5 March 2008<sup>7</sup>.

There are frequent references in the text to the concept of Appointing Authority (AIPN). The Commission delegates authority in personnel matters to the appropriate levels of senior and middle management. In general terms the situation is that for procedures concerning gifts, favours and payments, as well as external activities and publications and speeches on professional and EU matters, the AIPN powers are exercised by the Directorate General. For the other obligations addressed, these powers are exercised by DG HR. The specific arrangements concerning the delegation of the AIPN powers can be consulted on MyIntraComm<sup>8</sup>.

It should be underlined that the Staff Regulations and other relevant texts relating to staff's conduct often leave the AIPN a margin of discretion as regards their application and implementation. Finally, the **disciplinary system**<sup>9</sup> (administrative inquiries and disciplinary procedures) applies to any failure by a member or former member of staff

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<sup>5</sup> Final Audit Report on Organisational Ethics in DG JLS of 19 December 2008 reference JLS/01/2007/06

<sup>6</sup> It is recalled that national legislation is also applicable to staff members in case, for instance, of insider dealing which constitutes a criminal offence in most national laws.

<sup>7</sup> Communication from Vice-President Kallas to the Commission on enhancing the environment for professional ethics in the Commission (SEC(2008) 301 final of 5 March 2008).

<sup>8</sup> Relevant central information on [http://myintracomm.ec.europa.eu/hr\\_admin/en/ethics/Pages/index.aspx](http://myintracomm.ec.europa.eu/hr_admin/en/ethics/Pages/index.aspx)

<sup>9</sup> See Article 86 of the Staff Regulations and Annex IX to the Staff regulations.

to comply with their obligations (including offences under national criminal law) under the Staff Regulations, whether intentionally or through negligence. This can include conduct in private life. In this context, it is important to draw attention to the fact that DG Home Affairs and DG Justice staff can be held responsible in case of breach of the Staff Regulations and/or other relevant provisions, even if s/he has not benefited from this failure or the failure did not cause damage to the Commission<sup>10</sup>.

As regards the latter, financial responsibility can also be claimed when the Commission has suffered damage as a result of the serious misconduct of an official in the course of, or in connection with, the performance of their duties<sup>11</sup>.

It is the responsibility of the management of DG Home Affairs and DG Justice, at all levels, to behave beyond reproach and thus set a good example, to ensure proper guidance and supervision, and to refer cases to the AIPN and the Investigation and [Disciplinary Office of the Commission \(IDOC\)](#) where necessary.

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<sup>10</sup> See Joined Cases T-24/98 and T-241/99 E v Commission [2001] ECR II-681, paragraph 76

<sup>11</sup> See Article 22 of the Staff Regulations

## 2. GENERAL OBLIGATIONS

The ethical obligations of DG Home Affairs and DG Justice staff are laid down in [Articles 11-22b](#) of the Staff Regulations, which are equally applicable to other agents of the Commission<sup>12</sup> as well as seconded national experts (SNEs). In the case of a breach, members of staff are subject to disciplinary sanctions ([Article 86](#) of the Staff Regulations). The internal control standards of the Commission also emphasise that all staff are expected to be aware of and share appropriate ethical and organisational values and to uphold these through their own behaviour and decision-making.

The purpose of this Code is to assist in identifying and resolving ethical issues. To that end the following sections highlight and illustrate the ethical obligations that are particularly relevant to staff of DG Home Affairs and DG Justice. However, this Code cannot exonerate staff from a personal responsibility to familiarise themselves with all the rules, to exercise good judgement and to constantly question whether they are in compliance.

The following "golden rules" of the Practical Guide on Ethics provide an excellent general guidance basis:

- 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

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<sup>12</sup> See Conditions of Employment of other Servants of the European Community, Articles 11, 54, 81, 124 for other agents of the Commission. Commission Decision C (2006) 2033 of 1/6/2006 laying down rules on the secondment of national experts to the Commission essentially provides the obligations as discussed in this Guide. For that reason, the following description mentions only the relevant articles of the Staff Regulations. Please refer also to the Annex V in this document, which addresses trainees, SNEs, external experts, and personnel of external service providers (contractors).

- 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 – including this guide – and if in doubt, ASK your superior or your local human resources unit.

### 2.1. *Independence, Loyalty and Impartiality in our daily work*

First and foremost, the work of DG Home Affairs and DG Justice staff should be guided by the general obligations of loyalty, independence and impartiality, as laid down in [Article 11 \(1\)](#) of the Staff Regulations. According to that provision, members of staff are required to act solely with the interests of the Communities in mind, to carry out duties objectively, impartially and in keeping with the duty of loyalty not to seek or take instructions from outside their institutions.

These three duties largely coincide. They mean that staff must act in an independent and objective manner at all times. Conclusions or decisions should be balanced and based on a thorough analysis of the relevant rules and underlying facts.

**Example:** *A situation in which impartiality and independence might be cast into doubt is where, e.g. a colleague is unduly influenced by an outside interested party during a call for proposals procedure.*

### 2.2. *Duty to represent the views of the Commission*

If a view adopted at the Commission level differs from an official's personal view or even from the position of DG Home Affairs or DG Justice, the duty of loyalty requires the DGs' staff to represent the Commission's view to the best of their ability and to clearly confine themselves to the Commission's position, especially in matters falling within the remit of their responsibilities/files. In other words, once the Commission has decided to follow a line everybody must do their best to defend it, even if personally they do not agree.

### 2.3. *Duty of dignity - professional and private behaviour*

[Article 12](#) of the Staff Regulations requires staff from DG Home Affairs and DG Justice to refrain from any behaviour that might reflect adversely upon their position. This duty targets the professional and private behaviour of the entire staff of DG Home Affairs and DG Justice and is broadly defined to cover any acts that are "*sufficiently serious, when judged by general standards of probity, as to reflect badly on the European Public service and/or which bring it into disrepute*".

### 2.4. *Respect of colleagues and circumspection*

DG Home Affairs and DG Justice staff is expected to address colleagues and superiors in the two respective DGs, as well as colleagues in other DGs/institutions, with respect and consideration. Even in case of conflict, e.g., with another DG, it is

important to remain polite and to uphold the common objective of seeking a constructive solution to the problem.

## 2.5. Using Commission resources

In using Commission resources, such as computer equipment, e-mail and internet access, telephones, mobile phones and fax equipment or the photocopying machine, DG Home Affairs and DG Justice staff should bear in mind three basic principles: First of all, working hours are to be used for work. Secondly, staff must ensure the proper and efficient use of the resources so as to protect the financial interests of the European Union. Thirdly, using Commission resources for non-professional purposes can adversely affect the reputation of the Commission.

***Example:** This can be illustrated with the use of communication tools. Computer equipment, e-mail and internet access, telephones, mobile phones and fax equipment have been installed by the Commission for official use. However, this equipment may be **used for private purposes as long as it is on a purely occasional basis and does not amount to extensive use** of the equipment for private purposes. Further guidelines on what constitutes acceptable use of the Commission's ICT Services have been laid down in [Administrative Notice 45-2006](#).*

Specifically regarding the internet, the infrastructure that the Commission has to establish in order to provide staff with access to the internet is costly. The more the internet is used the more infrastructure and manpower is needed.

***Example:** using the Commission internet, e.g., to follow a bidding process on e-bay, is not only a problem of cost. It will also detract attention from work. Finally, the reputation of Commission staff is adversely affected if certain providers trace the Commission as the user.*

## 2.6. Private life

DG Home Affairs and DG Justice would obviously not interfere with the private life of its staff and its freedom of opinion<sup>13</sup>. Nevertheless, staff should in all contexts, including their private life, be respectful and circumspect. In addition, the duty of dignity requires staff to be particularly vigilant to the respect of national law (in particular criminal law) in all circumstances.

### 3. CONFLICT OF INTEREST

Dealing appropriately with situations in which there might be a conflict of interest is of the utmost importance in order to ensure the necessary impartiality and safeguard the reputation and credibility of the Commission. [Article 11a \(1\)](#) of the Staff Regulations establishes an obligation for all staff to identify and inform the Appointing Authority of any situation of conflict of interest that may arise in the performance of duties.

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<sup>13</sup> See Art 17a(1) of the Staff Regulations

**Article 11a § 1 reads:** “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.”

The decision as to whether a personal interest is of such magnitude as to impair the official's independence and therefore has to be notified, does not rest solely with the staff member. Besides real and potential conflicts of interest, **apparent conflicts of interest are also covered**. An apparent conflict of interest may be defined as a situation in which there is a personal interest which might reasonably be thought by others to influence the public official's duties, even if, in reality, there is no undue influence<sup>14</sup>. Such situations must be avoided because of the potential for casting doubt on the official's impartiality and integrity and the potential reputational damage for the institution.

Direct or indirect interest may include:

- Family or partnership ties, personal friendships
- Holding of financial interests (see section 3.3 below)
- Insider dealing
- Political affinities and national influences
- Gifts, favours and donations

**3.1. The Declaration rule as a way of coping with possible conflicts of interest.**

Pursuant to the obligation established by [Article 11a](#) of the Staff Regulations, staff **must inform the Appointing Authority**<sup>15</sup> whenever they deal with matters in which they have any personal interest as defined above. Whenever there is a risk that their independence might be impaired, staff members must complete the relevant **declaration form** (see Quick Guide in annexes) and send it to the Appointing Authority. This form must be signed by the immediate superior and the Director General, who are required to give their opinion on whether the personal interest of the staff member involved could impair his/her independence.

It is also advisable that staff members take the initiative of informing their hierarchy immediately of any *potential* issue. This early notification will enable the latter to take proportionate measures capable of suppressing/removing the conflict. If, for personal reasons staff members wish to obtain the advice of someone not directly involved, the Ethics Correspondent may be contacted.

**DG Home Affairs and DG Justice request that staff members complete an 'in house' declaration form which sets out obligations regarding personal interests (in particular family or financial).** This measure aims at increasing awareness

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<sup>14</sup> See case T-21/01 *Zavvos v Commission* [2002] ECR p. II-483

<sup>15</sup> In this case the Director General for Personnel and Administration

among staff. The form should be filled in when joining DG Home Affairs, DG Justice or any of the shared services attached to these DGs.

### 3.2. *Family or partnership ties, personal relationships*

In accordance with [Article 11a\(1\) and \(2\)](#) of the Staff Regulations, officials should inform the Appointing Authority about family or other ties that might imply a conflict of interest, see point 3.1 above.

**Example:** *If you negotiate a bilateral agreement or are in a position to influence the decision-making process through the procedures within DG Home Affairs or DG Justice, and a member of your family happens to work in a company involved in the case, this fact should be made known immediately.*

Since a **spouse's professional activities may also create a conflict of interest**, [Article 13](#) of the Staff Regulations states, *inter alia*, that "*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*".

Therefore, **if a staff member's husband/wife/partner is in gainful employment s/he must inform his/her Appointing Authority<sup>16</sup>** by filling out the appropriate form which contains, *inter alia* a description of their duties and the interests at stake, a detailed description of their husband/wife/partner's work and information on his/her employer. This form has to be signed by his/her superior and the Director General, who are required to give their opinion on whether the professional position of their partner could impair their independence.

This declaration is without prejudice to the official's obligation to also identify and declare any specific situation of conflict of interests as foreseen in [Article 11a](#). This obligation also applies to non-married couples who meet the criteria provided in [Article 1\(2\)\(c\) of Annex VII](#) of the Staff Regulations (couples entitled to household allowance), as such partnerships are treated as marriage pursuant to the second subparagraph of [Article 1d\(1\)](#) of the Staff Regulations. The Appointing Authority should also be informed of any changes in the spouse's employment situation if appropriate. This obligation applies whatever the nature, the duration or the importance of the gainful employment of the spouse/partner.

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<sup>16</sup> The appropriate form can be found under:

[http://myintracomm.ec.europa.eu/hr\\_admin/en/ethics/obligations/conflicts\\_interest/Documents/form\\_13\\_act\\_spouse\\_en.doc](http://myintracomm.ec.europa.eu/hr_admin/en/ethics/obligations/conflicts_interest/Documents/form_13_act_spouse_en.doc)

The Appointing Authority is the Director-General of Personnel and Administration if you come under a category other than "Administrators and Assistants and equivalent work" and the Director of ADMIN.B if you come under that category.

### 3.3. Holding of financial interests

A possible cause of conflict of interest is the **holding of financial interests**. [Article 11a \(1\)](#) of the Staff Regulations forbids staff from dealing with any matter in which they have a financial interest.

***Example:** A conflict of interest would arise if an official were to handle a case or otherwise take part in the decision-making process (including through consultation) involving a company in which they hold securities or otherwise have a financial interest, such as to impair his/her independence.*

As regards the acquisition of financial assets from companies that a staff member deals with at work, [Article 11a\(3\)](#) of the Staff Regulations states that: “He [the 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.”

### 3.4. Political affinities and activities and national influences

Although it is evident and covered by the Staff Regulations that staff should have an impartial and independent position in the execution of duties, they may at times find themselves under pressure from political groups or a national government. It is their duty to inform the hierarchy about such situations and to take the necessary measures to prevent their independence from being threatened or compromised.

Staff members who wish to stand for public office or have been elected or appointed to public office, must notify their Appointing Authority without delay ([Article 15](#) of the Staff Regulations) by filling a specific form.

### 3.5. Gifts, favours and donations

[Article 11 \(2\) of the Staff Regulations](#) requires Commission staff not to accept gifts, favours or donations from any source outside the institution without obtaining prior permission from the Director General (who acts as Appointing Authority).

A [Quick Guide](#) on gifts and hospitality can be found on the intranet. As a **general rule**, it is recommended that staff decline all gifts that have more than merely symbolic value (such as diaries, calendars, small desk items, etc), or go beyond the customary diplomatic hospitality.

If a staff member is offered any gifts, favours or donations with a combined **value of more than €50** in any given year, and the staff member wishes to accept them, he/she must request permission to accept them, by using the appropriate form available on the intranet.

**Gifts in kind** such as trips, excursions, social events are to be approved by the Appointing Authority (Director General of DG Home Affairs or DG Justice) in

advance, and will only be authorised if the interest of the Commission can be clearly demonstrated.

In deciding on whether to authorise a gift, the Director General will consider the motive behind offering the gift, favour or donation, the possible consequences for the Commission's interests, the number of gifts, favours or hospitality received from the same source together with the total number that the staff member has received during the course of a year. The **Director General may authorise a staff member to accept the gift, favour or donation if its value is less than or equal to € 250**. More expensive gifts may be retained as Commission property, or donated by the Commission to charity.

Before accepting **invitations for lunch, dinner or other events**, DG Home Affairs and DG Justice officials must carefully consider the context of the invitation, the interest of the Institution and the potential risks that accepting such an invitation might create, including in terms of appearances. They must inform the hierarchy in any case.

Staff members should request authorisation to accept hospitality that is offered by people with whom they have professional contacts, if they exceed a cumulative value of €50 in one year. If it is not possible to consult the hierarchy in advance they should politely decline the invitation. This rule does not apply, of course, to meals or favours offered by the organizers of events that staff members have been instructed to attend as part of their work. Mission orders and/or expense claims must of course include details of any hospitality offered so that appropriate deductions may be made from allowances.

DG Home Affairs and DG Justice officials must always behave with complete transparency vis-à-vis their hierarchy in such matters and should avoid any embarrassing situations where accepting an invitation could be perceived by a reasonable person as impairing their independence or impartiality, and where consequently a reputational risk could arise.

**Example:** *Invitations from a foreign mission to the celebration of a national day or occasional working lunches with an external company would in most cases probably be authorised. Expensive restaurants or invitations to inappropriate luxurious or glamorous events should be politely refused as a rule, unless an overriding interest of the service requires the participation and the staff member has obtained the permission from his/her hierarchy in advance.*

Typical cases in which accepting hospitality may be in the interest of the service (and which may overlap in whole or in part) are:

**Situation 1: Missions outside Brussels.**

**Example:** During a mission you are giving a presentation at a conference, or you visit a company concerned by one of your cases and you are offered a meal or other facilities (for instance local transport) by the organisers of the event or by the authorities of the country you are visiting.

**What to do?** No separate authorisation is required where the hospitality and/or facilities offered allow speedier or easier accomplishment of the tasks assigned during the mission and/or are part of customary diplomatic behaviour and do not go beyond what is necessary and reasonable.

Transparency should of course always be ensured, i.e. hierarchy should be informed *ex ante* or (if not possible) at least *ex post* in writing. Obviously the general rules on mission orders and/or expense claims including details of any hospitality offered, so that appropriate deductions may be made from allowances, still apply here.

**Situation 2: I am invited to an event to represent the Commission.**

**Example:** Hospitality may also be an issue when you participate in an event as part of your work representing the Commission without a formal mission order (e.g. in Brussels).

**What to do?** Your hierarchy should always be informed in advance about such events and authorise your participation. Where hospitality provided goes beyond common practice you should inform your hierarchy in advance and obtain an authorisation.

**Situation 3: Contacts with representatives of Member States or of third countries over meals.**

**Example:** Contacts taking place in Brussels or abroad, in the context of customary diplomatic activity.

**What do to?** If a staff member is for example invited to attend a working lunch hosted by another mission, the following day s/he should whenever possible inform the hierarchy in advance and obtain an authorisation to attend it by e-mail. If it is impossible to obtain an advance authorisation, for example, because a staff member is being invited spontaneously in the context of an important negotiation session to continue the discussion over lunch/dinner, please follow the following instructions as **overall guidance**:

- please consider the nature of the hospitality and its frequency. Sound judgement must guide a staff member in determining whether there is a risk to his/her impartiality and/or the reputation of the Commission.
- a working lunch / dinner that immediately follows upon a work-related meeting would probably be acceptable, if the lunch/dinner does not take place in a restaurant beyond the normal standard for officials.
- lunch with a regular counterpart every so often would be more acceptable than a weekly occurrence.
- if a staff member has some doubt, s/he should politely decline the invitation or suggest that s/he pays for himself/herself.
- the staff member should inform his/her hierarchy directly after the lunch in writing and declare the invitation together with its estimated value in writing.

DG HR is currently in the process of preparing a Commission decision with the aim of clarifying the rules on gifts and the guidance provided here will have to be reviewed once the decision has been adopted.

The question for staff in all such situations should be whether accepting the gift could compromise their autonomy, present a relational risk for the Commission, independently of its value. If in doubt staff should discuss it with the hierarchy or directly with the Ethics Correspondent(s) in the Shared Resource Directorate (unit 02) of DG Home Affairs and DG Justice. If this is not possible it is strongly recommended that staff decline diplomatically.

#### **4. SPECIFIC GUIDANCE CONCERNING MISSIONS**

Activities such as giving speeches, giving presentations or participating in conferences, when carried out in the framework of daily work and/or a mission, are NOT external activities in the sense of [Article 12b](#) of the Staff Regulations.

It should be stressed that the authorising officer must assess the appropriateness of a mission with regard to the interest of the service.

At times, it may be unclear whether an invitation to give a speech or to make a presentation outside the Commission should be considered a mission or not. Disseminating information about the Commission's work in the area of Home Affairs and Justice policy is an important aspect of the DGs' mission. However, the number of invitations addressed to a single unit or person may be excessive, or the target audience too small or not important enough for the event to be worth sending an official on mission.

Staff should therefore consult with their hierarchy on whether to accept an invitation or not. Several factors will be taken into consideration, mainly: the purpose of the event and the nature of the body organising it; the interest of the Directorate General and/or the Commission in participating; and the priority the event has in relation to other responsibilities and the unit's or a person's workload.

If a member of staff wishes to accept an invitation to participate in a certain event even though the Head of Unit has decided that it should not be considered a mission or part of the normal work, the member of staff may request annual leave. Being on leave, however, does not remove the obligation to request authorisation to engage in an outside activity. Whether on mission or not, the obligations established in [Articles 11, 12, 17 and 17a](#) of the Staff Regulations should be remembered in this context.

When going on mission, there is no requirement to ask for an additional authorisation to engage in the foreseen activities which might for example include delivering a speech. Nevertheless, if the text of such speech or presentation made during a mission is to be published, staff members are obliged to inform the Appointing Authority of DG Home Affairs or DG Justice, as relevant.

Article 4 of the [Commission Decision C\(2004\) 1597/10 of 28 April 2004 on outside activities and assignments](#) (hereinafter referred to as "the Commission Decision")

specifically forbids all staff from accepting any payment offered in exchange for work done in the framework of a mission.

The question of whether reimbursement or direct payment of mission costs by the inviting body can be accepted requires careful examination by the hierarchy, in order to avoid any potential conflict of interest or reputational damage. Should mission costs be reimbursed by the inviting body, such reimbursement must be declared and deducted from mission costs.

If leisure activities are included in the official schedule of the event, they should never exceed the average common practice.

## 5. EXTERNAL ACTIVITIES AND REMUNERATIONS

Apart from the Staff Regulations, rules governing external activities and remuneration are laid down in the Commission Decision, and are applicable to officials, temporary and contract agents and SNEs<sup>17</sup> working in DG Home Affairs and DG Justice. Please refer to Annex V<sup>18</sup> for the rules applying to all other personnel working at the European Commission.

The basic principles should be that officials avoid engaging in external activities which might interfere with their performance or create a real or perceived conflict of interest.

Prior authorisation to take on external professional activities is therefore compulsory.

The Commission Decision defines three types of external activities:

- a) **Public office:** any public office, paid or unpaid, filled by election or otherwise.
- b) **Assignment:** the taking on of a defined, time-limited task, for example giving a speech, making a presentation or writing an article.
- c) **Other outside activity:** any activity, paid or unpaid, that is of an occupational character or otherwise goes beyond what can reasonably be considered a leisure activity, such as giving lectures in the framework of university courses, writing a book or working as a consultant.

Other activities foreseen in the Commission Decision and for which permission should normally be granted are charitable work and educational activities<sup>19</sup>.

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<sup>17</sup> See Commission decision [C\(2006\)/2033 of 1/06/06 laying down rules on the secondment of national experts to the Commission](#), as modified by [Communication SEC\(2008\)121 of 30/1/2008](#)

<sup>18</sup> Note from DG HR Directorate B of 30 June 2010 signed by Marie-Pierre DARCHY.

<sup>19</sup> Articles 5 and 6 of Commission Decision C(2004) 1597/10 of 28 April 2004 define, respectively, voluntary work and educational activities. Voluntary work is work not giving rise to remuneration or the like, charitable or not. Authorisation shall be granted as long as the work is not so onerous as to impair the official's ability to work for the Commission. Educational activities such as teaching shall, in principle, be authorised for up to a year, as long as their duration does not exceed 100 hours per academic year. In exceptional circumstances, where the activity is deemed to be of interest to the institution, they may be extended to academic activities, including research.

Each case is to be assessed on its own merits; it is unlikely that approval would be given for assignments or outside activities pursued in a professional or similar capacity (to work as a lawyer, economist, accountant, consultant, etc.), and activities carried out for firms and companies whose objectives are commercial, even if the relationship with that company entails no remuneration or purely nominal remuneration<sup>20</sup>.

The performance of duties stemming from the tenure of public office is a special case in that there is no obligation to request authorisation. For officials who intend to stand for public office, or have been elected or appointed to public office, [Article 15](#) of the Staff Regulations establishes the obligation to inform the Appointing Authority, which will decide whether and under what modalities the official may continue to discharge his/her duties.

## 6. FORMER OFFICIALS AND OFFICIALS ON LEAVE FOR PERSONAL GROUNDS (CCP)

### 6.1. *Officials on CCP*

Leave on personal grounds (CCP) is an administrative status which may be granted to officials at their own request ([Article 40](#) of the Staff Regulations). **Officials on CCP are not former staff**, as they are entitled to reintegration into Commission services.

Thus, they are subject to the same obligations as officials in active employment, in particular those established in articles [11](#), [11a](#), [12](#), [13](#), [15](#), [16](#), [17](#) and [17a](#) of the Staff Regulations. They are also subject to the relevant stipulations of Chapter 2 of the [Commission Decision C\(2004\) 1597/10](#) of 28 April 2004.

Professional activity is allowed during a CCP, but it must be authorised in advance. Requests to engage in occupational activities, paid or unpaid, made during CCP or in connection with a request to take CCP, shall be submitted through normal hierarchical channels to the Director General for Personnel (DG ADMIN).

The general rule is that the official must supply the Appointing Authority with all the relevant information needed to make an informed decision regarding the possibility of the requested activity's conflicting with the interests of the institution<sup>21</sup>.

The Appointing Authority may make the permission to engage in occupational activities subject to any conditions which it considers necessary to ensure that officials comply with their obligations. In particular, **it may impose conditions** according to the particular circumstances of a case, taking into account the nature of each policy area.

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<sup>20</sup> Commission Decision C(2004) 1597/10 of 28 April 2004, articles 7 and 8, and Administrative notice n° 85-2004 of 29 June 2004.

<sup>21</sup> For details, see articles 14 to 17 of the Commission Decision C(2004) 1597/10 of 28 April 2004 for the rules applicable to officials on CCP

**Example:** This may be the case when an official requests CCP to take a job in the private sector working in the field of Home Affairs and Justice policies (e.g. law firms or consultancy), and may include restrictions concerning work not only on particular files, but also specific companies or enterprises. In certain cases, the exercise of the activity concerned during the CCP can even be refused.

While there may be considerable benefits for officials of DG Home Affairs and DG Justice to gain professional experience outside the Commission by taking CCP, staff should be especially **mindful of their obligations vis-à-vis the institution**, and in particular as regards avoiding any situation in which a conflict of interest might emerge.

Such a conflict may arise not only during CCP but also when staff enters into negotiations in respect **of any professional activity they plan to undertake while on CCP**: it is therefore strongly recommended to discuss any negotiations in which a staff member might engage in this period with their hierarchy or the Ethics Correspondent(s) of the DGs in order to avoid any conflict of interest before or during CCP.

It is important to note that where a staff member's circumstances could give rise to any real or apparent conflict of interest, either at the negotiation stage or following submission of a formal request for CCP, the DG reserves the right to adapt, if necessary, internal instructions concerning the execution of the official's day to day duties during the period preceding departure.

**Examples** of such measures may include restriction of access to information, modification of file or sector assignment or even transfer to another post within the DG if the nature of your proposed activity is considered incompatible with your current position. Each case will be assessed on its own merits and in full compliance with the principle of proportionality.

According to [Article 16\(3\) of the Commission Decision on external activities](#), the official may not participate in meetings or have contacts of a professional nature with his or her former Directorate General or service for a period of:

- **1 year** where the official occupied a management function in this Directorate General or service;
- **6 months** in all other cases.

Finally, it is also worth remembering that an official under CCP or seconded in the interest of service<sup>22</sup> remains bound by his/her statutory duties of integrity and discretion. He/she shall in particular 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.

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<sup>22</sup> e.g. to work for their national government during an EU-presidency

## 6.2. Former officials<sup>23</sup>

Former officials are all those who have definitively left the service ([Article 47](#) of the Staff Regulations), e.g. following resignation, retirement, dismissal or removal from the post, and those who have been retired in the interests of the service pursuant [Article 50](#) of the Staff Regulations.

[Article 16\(1\)](#) of the Staff Regulations state that former officials: “*continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments*”. [Article 16\(2\)](#) further establishes the obligation for any former official intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service, to inform his/her institution. The latter shall decide and notify the former official within thirty days whether the intended occupation could conflict with its legitimate interests<sup>24</sup>.

Moreover, pursuant to [Article 17\(1\) and \(2\)](#) of the Staff Regulations, former officials remain under the obligation to 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.

Such obligations obviously also apply to former officials who held **management posts** in DG Home Affairs or DG Justice.

In view of DG Home Affairs and DG Justice policy areas, the situation of former staff members who left either DG and continue their career as lawyers or consultants is of special interest.

### **a) Two-year period of leaving the service**

If a former official decides to engage in a professional activity, within two years of leaving the service she/he must ask for prior authorisation to do so from the Appointing Authority (DG HR).

Under [Article 16\(2\)](#) of the Staff Regulations, if the proposed activity is related to work carried out by the official during the last three years of service and could lead to a conflict of interest, the Appointing Authority may either forbid the former official from undertaking the proposed activity or may impose specific conditions in the light of the particular circumstances of the case. Such conditions could e.g.

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<sup>23</sup> This should also apply to former SNEs who have not joined back the public administration and former contractual agents (see Articles 11, 54 and 91 of the Conditions of Employment of other Servants of the European Communities).

<sup>24</sup> Article 16 of the Staff Regulations states: “(If the 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 (the official) from undertaking it or give its approval subject to any conditions it thinks fit.” See also articles 18 to 20 of [Commission Decision C\(2004\) 1597/10 of 28 April 2004](#).

concern – depending on the grade of the former official and the nature of the former responsibilities - specific cases or specific files.

Such a conflict of interest may emerge even before leaving the Commission, since an official might enter into negotiations and even, under certain circumstances, when an official has the intention of entering into such negotiations with a potential future employer. This situation may require the adoption of internal instructions as regards the official's daily work in DG Home Affairs or DG Justice.

After leaving the service, an official continues to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits ([Article 16\(1\)](#)) and to 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 ([Article 17](#)).

In any case, during the two year period, former officials of DG Home Affairs and DG Justice should not handle files of which they had knowledge in the course of, or in connection with, the performance of their duties at the DG.

#### **b) After the two-year period of leaving the service**

Once the two-year period has expired, the former officials are no longer under an obligation to ask for a prior authorisation to engage in an occupational activity in accordance with [Article 16\(2\)](#) of the Staff Regulations.

Nevertheless, it should be remembered that former officials continue to be bound by the ongoing duty to behave with integrity and discretion as regards the acceptance of certain appointments and to refrain from any unauthorised disclosure of non accessible information received in the line of duty ([Article 16\(1\) and 17](#) of the Staff Regulations).

Consequently, should they infringe the obligations above mentioned, in the performance of their new duties, be it five or ten years after leaving the service, they may be sanctioned for such failures.

In this context, former officials should be particularly aware of their duty to behave with integrity and discretion as concerns files of which they had knowledge in the course of, or in connection, with the performance of their duties at DG Home Affairs or DG Justice.

#### **c) Distance rule**

Since a person assisting a party in a meeting, a hearing or an inspection could influence its outcome by virtue of their previous responsibilities within the DG, the approval of the occupational activity within two years of leaving the service may, on a case by case basis, be subject to conditions on distance. These may include the condition that the former official does not participate in meetings or have contacts of a professional nature with their former Directorate or service for a certain period.

In addition and to the extent possible, DG Home Affairs and DG Justice request their current staff to inform the superiors immediately of any potential participation in a meeting with former members of management (unless it is obvious that the person concerned left the DG such a long time ago that there is no longer any risk<sup>25</sup>). This will allow the hierarchy to assess whether a risk exists that the staff member might find themselves in a sensitive situation requiring the adoption of appropriate and proportionate measures as regards the organisation of the meeting.

DG Home Affairs and DG Justice note that similar rules on professional knowledge (see point 7 below) and distance apply to staff returning to either DG after having gone on CCP. In this case, a staff member may feel impeded from dealing with a particular file in DG Home Affairs or DG Justice because of the duty not to use knowledge gained in a previous position. Members of staff who find themselves in such a situation should approach their (immediate) superior and request to be assigned to a different file.

## 7. PROFESSIONAL KNOWLEDGE, EXPRESSIONS OF VIEWS OUTSIDE THE COMMISSION AND CONTACTS WITH THIRD PARTIES

### 7.1. *General principles: professional secrecy and loyalty vs. freedom of expression*

[Article 17a\(2\)](#) of the Staff Regulations creates an obligation for officials to inform the Appointing Authority of their intention to publish or have published any matter dealing with the work of the Communities. Before publishing any matter dealing with the work of the Communities, staff members are obliged to inform the Appointing Authority (see section 3.4 above on external activities). The mere fact of issuing a publication concerned with the work of the Communities, without first notifying the Appointing Authority, constitutes an infringement of [Article 17a](#) of the Staff Regulations.

Also, in that context, an official on CCP does not lose his/her status as an official during the period of leave and therefore remains subject to the obligations incumbent upon every official.

In addition, [Article 17](#) of the Staff Regulations establishes the obligation for officials to 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.”

In view of the serious consequences that a breach of [Article 17](#) could carry for the Commission’s reputation, cases of unauthorised disclosure of information not yet made public concerning any aspect of the work of DG Home Affairs or DG Justice,

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<sup>25</sup> Apart from the application of the distance rule *stricto sensu*, it has to be kept in mind that former officials should not, at any time, be involved in cases of which they had knowledge in the course of, or in connection, with the performance of their duties at DG Home Affairs or DG Justice (see section a) "the two-year period of leaving the service", last paragraph below).

whether intentional or not, will be investigated and may, ultimately, lead to **disciplinary action and/or financial claims for serious neglect, in application of the relevant procedures.**

On the other hand, officials enjoy a right to freedom of expression as enshrined in [Article 17a](#) of the Staff Regulations: *“an official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality”*.

This right, however, should be understood together with the obligations laid down in [Articles 11 and 12](#) of the Staff Regulations. These establish, respectively, that staff members have a *“duty of loyalty to the Communities”* and must also refrain from *“any action or behaviour that might reflect adversely upon (their) position”*.

In other words, an official may publicly express his/her personal opinions, while avoiding demeaning or offensive statements that impugn the honour of the persons or institutions against whom they were made.

The obligation of loyalty nevertheless imposes circumspection: officials should avoid creating confusion when making public statements, they should avoid discussing cases or matters which are still pending a formal position, and they should also defend the Commission's position whenever the final view adopted by the Commission in a file falling within his/her remit differs from his/her personal view.

When expressing views in public, especially if they are critical of the Commission's official view, members of staff should make it absolutely clear that these are personal opinions and do not necessarily reflect the views of the Commission and/or DG Home Affairs or DG Justice.

Whether in public or in private, staff should not disclose any information they have come across in the performance of their duties unless they have received authorisation to do so and/or are sure that such information is already publicly available. Staff should of course also refrain from disclosing, whether intentionally or not, any confidential information received in the line of duty, whether it concerns business secrets of a company or details of the internal decision-making processes of the Commission. Staff should refer to the special DG Home Affairs and DG Justice rules on the treatment of sensitive information and the [Commission rules on treatment of EU classified information](#)<sup>26</sup>.

As already mentioned, under exceptional circumstances (presumption of the existence of illegal activity, including fraud or corruption, detrimental to the interests of the Communities or serious failure to comply with the obligations of officials), staff is permitted, pursuant to [Article 22b](#) of the Staff Regulations, to raise concerns with external bodies without fear of adverse consequences. This provision on whistle-blowing must be understood as an exception to the general principle of professional discretion that all staff must respect. [Articles 22a and 22b](#) of the Staff Regulations establish the ways of dealing with cases of suspected irregularities.

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<sup>26</sup> [http://www.cc.cec/security/help\\_advice/information\\_en.htm](http://www.cc.cec/security/help_advice/information_en.htm)

## 7.2. *Contacts with third parties*

As part of their day-to-day work, officials of DG Home Affairs and DG Justice are in permanent contact with third parties (Member States, third country representatives, business, NGOs, media, etc.). These contacts are often necessary and welcome but they require professionalism and discretion and are subject to special rules.

As a general rule, staff should always inform the hierarchy prior to attending such meetings. And should also let the hierarchy know of the results of such meetings subsequently.

Meetings with private parties (e.g. business, NGO) should normally take place in the Commission buildings and ideally involve another colleague from the Commission.

In the case of contacts with interest groups, staff should always consult DG HR's Register<sup>27</sup> as a source of reference and be cautious with groups not registered.

Nevertheless, it should be stressed that there is no ban on meetings with unregistered interest representatives.

As a general rule, DG Home Affairs and DG Justice staff should refuse any invitations to meetings from interest representatives or third parties which could put the institution in a delicate situation.

## 8. REPORTING IMPROPRIETIES AND DEALING WITH ALLEGATIONS OF WRONGDOING

Pursuant [Article 22a](#) of the Staff Regulations, staff members are obliged to report to their superior or the Director General, or if considered useful the Secretary General or OLAF, any information received in connection with the performance of duties which gives rise to the assumption of possible **illegal activities 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 incumbent on officials of the Communities. [Article 22b](#) of the Staff Regulations establishes the ways of dealing with cases of suspected irregularities.

Any official who, in the course of or in connection with the performance of his/her duties, becomes aware of any information, whatever its source, having a bearing on any of the staff of DG Home Affairs or DG Justice, which may be detrimental to the interests of the Communities, shall without delay inform his/her immediate superior, the Director General, the local Ethics Correspondent or the Secretary-General of the Commission, or the European Anti-Fraud Office (OLAF). Before reporting, the official should assess if there is a serious allegation or serious reasons to believe that there is an allegation of wrongdoing.

*Example: This rule covers various possible situations, not only financial irregularities, for example the alleged leaking by an official of sensitive information. or a request made by any national (Member State or other) judicial or investigative body, or any information made public in the press or otherwise, or any information encountered internally, to the extent that it could have a direct bearing on staff of the DG by hinting at alleged improprieties).*

The effective application of the whistle blowing rules and the protection of [whistleblowers](#)<sup>28</sup> are set out in a specific Communication SEC(2004) 151/2.

## 9. PREVENTION OF SEXUAL AND MORAL HARASSMENT

All staff, statutory or non-statutory, working within the Commission must refrain from all forms of psychological and sexual harassment. They must also be ensured of the respect of their personal dignity, the dignity of their position and if need be take the necessary measures available.

Staff should respect at all times the [Decision of the Commission](#) relating to the policy concerning the protection of the dignity of the person and the fight against psychological and sexual harassment at the European Commission<sup>29</sup>, and avoid a behaviour which is felt to be inappropriate or embarrassing for another person.

Staff feeling harassed can choose to follow the informal or the formal procedure. The informal procedure looks for an amicable solution via the confidential counsellors or through the mediation service. The formal procedure is triggered by submitting a request for assistance, under Article 24 and 90§1 of the Staff Regulation, to unit HR.B2, which is responsible for initiating the procedure. The Appointing Authority can then instruct the IDOC, if necessary, to carry out an administrative enquiry to determine the facts of the case and apportion any responsibility. In the case of sexual harassment, it is up to the victim to provide all useful details which might support his/her allegations. In the case of psychological harassment, a degree of evidence is required.

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<sup>28</sup> [http://myintracomm.ec.europa.eu/hr\\_admin/en/idoc/Pages/whistleblowing.aspx](http://myintracomm.ec.europa.eu/hr_admin/en/idoc/Pages/whistleblowing.aspx)

<sup>29</sup> Commission Decision C(2006)1624/3 (fr - en - de ) of 26th April 2006 [http://myintracomm-staging.net1.cec.eu.int/hr\\_admin/en/equal\\_opportunities/respectful\\_working/Documents/comm\\_native\\_c\\_2006\\_1624\\_3\\_en\\_acte.pdf](http://myintracomm-staging.net1.cec.eu.int/hr_admin/en/equal_opportunities/respectful_working/Documents/comm_native_c_2006_1624_3_en_acte.pdf)

## 10. ANNEXES

### ANNEX I

## DG HOME AFFAIRS and DG JUSTICE

### *Quick Guide on reporting of incidents*

#### **Background**

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 concerned set out in the Code of Good Administrative Behaviour for Staff of the European Commission in their Relations with the Public .

As stipulated in Article 22a of the Staff Regulations, staff are obliged to report to their superior or the Director General, or if considered useful the Secretary General or OLAF, any information which may be detrimental to the interests of the Communities.

The effective application of the whistle blowing rules and the protection of whistleblowers are set out in a specific Communication SEC(2004)151/2.

#### **Guidance**

The main aim of this guide is to help you how to report a violation against the ethical standards and the Code of Good Administrative Behaviour of the Commission, and to reassure you that there are no repercussions and negative effect for the informant/whistleblower.

The regulation establishing the European Anti-Fraud Office (OLAF) imposes a duty on any official or other employee of the Commission "who becomes aware of evidence which gives rise to a presumption of the existence of possible cases of fraud, corruption or any other illegal activity detrimental to the interests of the Community or other serious professional misconduct" to inform his or her Director General immediately (or if they consider it useful, the Secretary General of the Commission of OLAF directly.)

The official's duty is simply to raise the concern without delay: the Head of Unit, Director, Director-General or Secretary-General are in turn required to report the matter to OLAF without delay (although they may take other measures to redress any shortcomings or prevent the risk of similar wrongdoing in future). Once the Director-General is informed of a particular wrongdoing, he must also ensure that the Commissioner is made aware of this if the matter is considered sufficiently important to be reported to OLAF. The assistants of the Director-General are responsible for ensuring that any relevant information is made available to the Commissioner in a timely and appropriate manner.

OLAF's remit is to investigate if they consider the evidence sufficient. The interests of anyone implicated in such an investigation are protected in two ways: OLAF must inform them as rapidly

as can be done without harming the investigation and no conclusions can be reached until the person concerned has had a chance to express his or her views. Those who report such wrongdoing – so-called "whistleblowers" - are also protected: staff can be assured that no action will be taken against them even if their suspicions prove to be unfounded, provided that they acted in good faith.

### **In practice**

If you have evidence of fraud, corruption or other serious wrongdoing (theft for example), you have to report this incident.

You may inform:

- The Director-General, or if you prefer your Head of Unit or Director or
- The Secretary-General or
- OLAF directly.

You do not need to prove that the presumption of wrongdoing is true but you should reasonably believe it to be the case.

The duty to report does not extend to other cases of wrongdoing or impropriety, such as bullying or sexual harassment, but you are strongly encouraged to come forward with these concerns. In many cases, the most obvious person to talk to, will be your line manager. However, should you for whatever reason feel uncomfortable about talking to your direct superior, you are invited to contact either the Director General or to the Director "General Affairs". It goes without saying that all information will be treated in the strictest confidence.

### **Additional information**

[http://myintracomm.ec.europa.eu/hr\\_admin/en/ethics/Pages/index.aspx](http://myintracomm.ec.europa.eu/hr_admin/en/ethics/Pages/index.aspx)

*Update: 29 January 2009*

## **DG HOME AFFAIRS and DG JUSTICE**

### ***Quick Guide on external activities and remunerations***

#### **Background**

Apart from the Staff Regulations, rules governing external activities and remuneration are laid down in Commission Decision C(2004) 1597/10 of 28 April 2004 on outside activities and assignments (hereinafter referred to as “the Commission Decision”), and are applicable to officials, temporary and auxiliary agents and seconded national experts (SNEs) working in DG Home Affairs and DG Justice.

The basic principles should be that officials avoid engaging in external activities which might interfere with their performance or create a real or perceived conflict of interest.

Prior authorisation to take on external professional activities is therefore compulsory.

#### **Guidance**

The main aim of this guide is to help you how to apply for permission in advance before engaging in paid or unpaid outside activity.

The Commission Decision defines three types of external activities:

- a) **Public office:** any public office, paid or unpaid, filled by election or otherwise.
- b) **Assignment:** the taking on of a defined, time-limited task, for example giving a speech, making a presentation or writing an article.
- c) **Other outside activity:** any activity, paid or unpaid, that is of an occupational character or otherwise goes beyond what can reasonably be considered a leisure activity, such as giving lectures in the framework of university courses, writing a book or working as a consultant.

Other activities foreseen in the Commission Decision and for which permission should normally be granted are charitable work and educational activities.

Each case is to be assessed on its own merits, it is unlikely that approval would be given for assignments or outside activities pursued in a professional or similar capacity (to work as a lawyer, economist, accountant, consultant, etc.), and activities carried out for firms and companies whose objectives are commercial, even if the relationship with that company entails no remuneration or purely nominal remuneration.

The performance of duties stemming from the tenure of public office is a special case in that there is no obligation to request authorisation. For officials who intend to stand for public office, or have been elected or appointed to public office, Article 15 of the Staff Regulations establishes the obligation to inform the AA, which will decide whether and under what modalities the official may continue to discharge his/her duties.

The maximum net annual remuneration you may receive for all work you undertake outside the EU institutions is €4,500. Any amounts received over and above this must be turned over to your institution.

It goes without saying that no outside work may be performed either on the premises of the institutions or during your normal working hours.

To make a request, you must **submit your external activity request online via Sysper2** ("My Ethics requests section").

The appointing authority is the Director-General for Personnel and Administration if you are:

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

The appointing authority is the Director-General of your DG if you are:

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

Your form must be submitted via Sysper2, together with the appropriate supporting documents and required approval signatures, **two months before you plan to start the work in question**. The online approval circuits is as follows:

for posts DG/DDG/HCA/D/CA - unit HR/B/3 - SC 11 03/065

for posts AL/UH/ADM/AST – Head of Unit SRD.02 (DG Home Affairs and DG Justice)

#### **Additional information**

[http://myintracomm.ec.europa.eu/hr\\_admin/en/ethics/obligations/conflicts\\_interest/Pages/external\\_activities.aspx](http://myintracomm.ec.europa.eu/hr_admin/en/ethics/obligations/conflicts_interest/Pages/external_activities.aspx)

*Update: 30 November 2010*

**Sysper2 Ethics module for external activity requests** (replaces paper forms)

**ACTIVITY DETAILS**

→ **Initial request**

Specify additional information related to your duties in the Commission:

\*

**Planned activity**

 Name of the organization in witch activity is to be excercised:

\*

 External activity title:

\*

Specify details of the activity:

\*

 Indicate the period of the activity:

\*

From:   To:  

 I will be involved in teaching activities:

\*

yes  no

 If you are involved in teaching activity, specify the number of hours expected:

 **If outside working hours**

When:

- Evening
- Saturday
- Sunday

 Specify number of hours:

- Number of hours per week
- Number of hours per month
- Other
- None

**ⓘ If during normal working hours**

Specify what is the leave coverage source:

- Annual leave
- Flexitime
- Special leave

ⓘ Specify each working day covered by the leave mentioned above:



ⓘ If special leave is requested, specify the number of days requested:

**NB: If the activity mentioned above gives rise to a publication whose purpose relates to your work or European issues please apply for permission to publish in using the form at the following intranet address:**

[http://myintracomm.ec.europa.eu/HR\\_ADMIN/FR/ETHICS/OBLIGATIONS/Pages/freedom\\_expression.aspx](http://myintracomm.ec.europa.eu/HR_ADMIN/FR/ETHICS/OBLIGATIONS/Pages/freedom_expression.aspx)

I have received the authorization from my former employer (only for Seconded National Expert)

**POSSIBLE CONFLICT OF INTEREST**

FINANCIAL ARRANGEMENTS

ADDRESSES

*The staff can not handle a case in which it would directly or indirectly a personal interest to impair his independence and interests of the Commission. No question of bias, loss of independence or bias is allowed. Conflicts of interest in the context of fiscal policy are addressed in the financial regulation (article 52).*

**→ Initial request**

1. Does the organization have a financial and/or a contractual relationship with the Commission?

\*  yes  no

ⓘ If yes, give details:

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

\*  yes  no

ⓘ If yes, give details:

## Annex III



COMMISSION EUROPÉENNE  
DIRECTION GÉNÉRALE AFFAIRES INTÉRIEURES  
DIRECTION GÉNÉRALE JUSTICE

SRD.02: Ressources humaines

Contact/information:

Tél.:(32-2) 2959030, Fax: (32-2) 2951250; Email : HOME-JUST Local Security Office

### **Engagement à signer par tout personnel à la DG HOME et DG JUSTICE non concernée par le Statut des fonctionnaires des Communautés Européennes**

Les articles 11 et 17 du Statut des fonctionnaires des Communautés européennes stipulent que :

#### Article 11

*Le fonctionnaire doit s'acquitter de ses fonctions et régler sa conduite en ayant uniquement en vue les intérêts des Communautés, sans solliciter ni accepter d'instructions d'aucun gouvernement, autorité, organisation ou personne extérieure à son institution. Il remplit les fonctions qui lui sont confiées de manière objective et impartiale et dans le respect de son devoir de loyauté envers les Communautés.*

*Le fonctionnaire ne peut accepter d'un gouvernement ni d'aucune source extérieure à l'institution à laquelle il appartient, sans autorisation de l'autorité investie du pouvoir de nomination, une distinction honorifique, une faveur, un don, une rémunération, de quelque nature qu'ils soient, sauf pour services rendus soit avant sa nomination, soit au cours d'un congé spécial pour service militaire ou national, et au titre de tels services.*

#### Article 17

- 1. Le fonctionnaire s'abstient de toute divulgation non autorisée d'informations portées à sa connaissance dans l'exercice de ses fonctions, à moins que ces informations n'aient déjà été rendues publiques ou ne soient accessibles au public.*
- 2. Le fonctionnaire reste soumis à cette obligation après la cessation de ses fonctions.*

Vous êtes soumis aux mêmes règles qui s'appliquent mutatis mutandis. Veuillez signer le présent document, attestant ainsi que vous avez pris connaissance desdites propositions et que vous vous engagez à les respecter.

NOM, PRENOM :

N° PERSONNEL :

UNITE:

DATE & SIGNATURE



COMMISSION EUROPÉENNE  
DIRECTION GÉNÉRALE AFFAIRES INTÉRIEURES  
DIRECTION GÉNÉRALE JUSTICE

SRD.02: Ressources humaines

Contact/information:

Tel.:(32-2) 2959030, Fax: (32-2) 2951250; E-mail : HOME-JUST Local Security Office

**UNDERTAKING TO BE SIGNED BY ALL STAFF OF DG HOME AFFAIRS AND DG JUSTICE TO WHOM THE STAFF REGULATIONS OF OFFICIALS OF THE EUROPEAN COMMUNITIES DO NOT APPLY**

The Articles 11 and 17 of the Staff Regulations of officials of the European Communities lays down that:

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 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.*

You are subject to the same rules, which apply *mutatis mutandis*. Please sign this form which confirms that you are aware of these provisions and that you undertake to abide by them.

FAMILY NAME, FIRST NAME:

PERSONNEL N°:

UNIT:

DATE & SIGNATURE:

**ANNEX IV**



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL .....

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

**DECLARATION  
IN THE EVENT OF A POSSIBLE CONFLICT OF INTERESTS**

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

**APPLICANT**

SURNAME/FIRST NAME: ..... Personnel No: .....  
Administrative status: official/temporary official/contract staff/auxiliary staff<sup>30</sup>  
Grade: .....  
Building/office number: ..... Tel. : .....  
DG, Directorate, unit: .....  
Description of duties at the Commission: .....  
.....  
.....  
.....  
.....

**PLANNED ACTIVITY**

State the nature of and procedure involved in the **matter** on which you are called on to decide - or deal with - in the performance of your duties at the Commission and in the outcome - or handling - of which you may have a personal interest such as to impair your independence: .....

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

State the reasons why your independence may be impaired: .....

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

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

\_\_\_\_\_

<sup>30</sup> Delete as appropriate.

**OPINION OF IMMEDIATE SUPERIOR**

Accepted/Rejected<sup>1</sup>

If rejected, give reasons: .....  
.....  
.....  
.....  
.....

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

**OPINION OF DIRECTOR-GENERAL**

Accepted/Rejected<sup>1</sup>

If rejected, give reasons: .....  
.....  
.....  
.....  
.....

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

**SEND THE COMPLETED FORM TO UNIT HR/B/3 – SC 11 03/27**

**DECISION OF APPOINTING AUTHORITY**

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

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



COMMISSION EUROPÉENNE  
DIRECTION GÉNÉRALE  
RESSOURCES HUMAINES ET SÉCURITÉ  
Direction HR.B - Processus RH centraux 1 : Carrière  
Éthique, droits et obligations  
Chef d'unité f. f.

Bruxelles, le **30 JUIN 2010**  
HR B1 D(2010)  
Dossier: PER20.10.20/14  
Suivi par Sylwia RAJ ☎ 92745

**NOTE A L'ATTENTION DES CHEFS D'UNITE RESSOURCES HUMAINES**

**Sujet: Informations sur l'éthique professionnelle concernant le personnel qui n'est ni couvert par le statut ni par le Régime applicable aux autres agents des Communautés européennes.**

Faisant suite au Rapport d'audit final de l'IAS sur l'éthique à la Commission du 12 décembre 2008, il est apparu nécessaire de préciser certains aspects concernant l'éthique professionnelle et la conduite du personnel qui n'est pas couvert par les dispositions du statut ou par celles du Régime applicable aux autres agents des Communautés européennes.

Nous vous invitons donc à adapter votre code de conduite ou guide et/ou votre site intranet concernant l'éthique afin d'introduire, en plus des informations concernant les fonctionnaires, les agents temporaires, contractuels et les conseillers, des précisions concernant les groupes de personnel suivants:

- ↳ Les **stagiaires** de la Commission sont tenus de respecter la décision de la Commission du 2/03/2005<sup>1</sup> qui précise les obligations des stagiaires quant à la confidentialité ainsi que les sanctions et mesures disciplinaires.
- ↳ Les **experts nationaux détachés** et les experts nationaux en formation professionnelle auprès des services de la Commission doivent respecter la décision de la Commission du 12/11/2008<sup>2</sup> qui précise leurs droits et obligations.
- ↳ Les **experts extérieurs** qui sont liés directement à la Commission par un contrat sont tenus de remplir une déclaration relative aux conflits d'intérêts et à la confidentialité. A ce titre, il est vivement conseillé d'utiliser les modèles des contrats<sup>3</sup> publiés par le service financier central comportant en son annexe cette déclaration ainsi que le code de bonne conduite. L'existence de ces derniers

<sup>1</sup> C(2005)458

<sup>2</sup> C(2008)6866

<sup>3</sup> [http://www.cc.cec/budg/imp/procurement/imp-080-030-010\\_contracts\\_fr.html](http://www.cc.cec/budg/imp/procurement/imp-080-030-010_contracts_fr.html)

éléments dans le contrat devrait être soulignée dans votre site intranet et/ou vos guides/codes de conduite consacrés à l'éthique professionnelle.

↳ Le **personnel des sociétés prestataires de service ou tout autre personnel faisant l'objet d'un contrat d'entreprise** est régi par les règles établies dans le contrat entre la Commission et la société qui l'emploie. Les services sont invités à utiliser également les modèles des contrats<sup>4</sup> publiés par le service financier central comportant des précisions quant au conflit d'intérêts et à la confidentialité. L'existence de ces derniers éléments dans le contrat devrait être soulignée dans votre site intranet et/ou vos guides/codes de conduite consacrés à l'éthique professionnelle.

Ainsi conviendra-t-il notamment d'attirer l'attention et de rappeler à cette catégorie de personnel :

- Qu'elle ne peut pas donner l'impression qu'elle représente la Commission;
- Qu'elle ne doit pas se trouver dans une situation de conflit d'intérêt;
- Qu'elle doit respecter la confidentialité des informations dont elle a pris connaissance pendant son travail à la Commission;
- Qu'elle doit être impartiale dans l'exécution de son travail;
- Que si elle a connaissance de faits graves préjudiciables aux intérêts de la Commission, elle doit en informer sans délai la hiérarchie au sein du service auprès duquel elle preste ses services, le Secrétaire général ou l'OLAF.

Il est important de préciser que bien que le Code de bonne conduite administrative ne lie que le personnel couvert par le statut des fonctionnaires et le Régime applicable aux autres agents, *"le personnel travaillant sous contrat de droit privé, les experts nationaux détachés, les stagiaires et autres personnes travaillant pour la Commission devraient également s'y référer dans leur travail quotidien"*<sup>5</sup>.

Par contre le guide pratique en matière d'éthique et de conduite du personnel n'est destiné qu'au personnel couvert par le statut ou par le Régime applicable aux autres agents.

Nous vous saurions gré de nous informer des suites que vous donnerez à cette note.

  
Marie-Pierre DARCHY

Copie: Christelle Goulard, Secrétariat général.

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<sup>4</sup> [http://www.cc.cec/budg/imp/procurement/imp-080-030-010\\_contracts\\_fr.html](http://www.cc.cec/budg/imp/procurement/imp-080-030-010_contracts_fr.html)

<sup>5</sup> JO L 267 du 20/10/2000