ETHICS AND CONDUCT GUIDE
FOR OLAFF STAFF
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I. FOREWORD BY THE DIRECTOR-GENERAL

In line with its role and mission, OLAF must lead the very front of the EU institutional framework when referring to the respect of professional ethics. Without any shadow of doubt, OLAF must set the example by setting the highest standards of professional conduct in terms of independence, integrity, impartiality and objectivity.

The OLAF Ethics and Conduct Guide does not establish new substantive rules creating obligations other than those already set out in the Staff Regulations or in the relevant rules and regulations of the Commission on ethics and integrity. This Guide rather looks at how these standards should be applied on three levels:

– your relations with the public,
– your behaviour at work (with your hierarchy and colleagues), and
– your individual obligations.

It is extremely important that OLAF Staff are entirely familiar with the applicable rules regarding ethics and integrity in their professional and personal conduct. I genuinely believe that the principles and the practical examples set out in this Guide will stimulate ethical reflection among OLAF’s staff, but that it will also constitute practical support in various situations in which we can found ourselves while exercising our professional duties.

I am counting on all of you to pay the utmost attention to professional ethics and set an example of the highest standards.

Ville ITÄLÄ
Director-General of OLAF
ACRONYMS

| AA   | Appointing Authority |
| CCP  | Leave on personal grounds |
| CoI  | Conflict of interest |
| C.E.O | Central Ethics Officer (HR.E.3) |
| IDOC | Investigation and Disciplinary Office of the Commission |
| SNE  | Seconded national expert |
| SR   | Staff Regulations |
| CEOS | Conditions of Employment of Other Servants of the European Union |

SCOPE OF THIS GUIDE

This Guide applies to all OLAF officials, temporary and contract agents. References to "official/s" should therefore be understood as references to officials, temporary and contract agents, unless otherwise stated. Most of the rules mentioned in this guide also apply to Seconded National Experts (SNE). This document should also be used as guidance for all other staff, such as trainees, agency staff (interimaires), external experts and external IT consultants, even though they are not bound by the EU Staff Regulations.

ETHICS

The Commission and the other authorities responsible for the management of EU funds must observe the highest standards of ethical behaviour and integrity. Their staff must comply with these standards and must be adequately trained both on the risks of fraud and the need to fight it.

Rules on ethics can be found in the EU Staff Regulations\(^1\), in various Commission decisions and in guidelines. There is also the Practical Guide to Staff Ethics and Conduct of the European Commission, aiming to make the existing standards and obligations transparent and easy to understand. Furthermore, Principle 1 of the Internal Control Framework refers to ethics: "The Commission demonstrates a commitment to integrity and ethical values". Management and staff should be aware of and share appropriate ethical and organisational values and uphold these through their own behaviour and decision-making.

\(^1\) Title II (rights and obligations of officials) of the Staff Regulations, not only applicable to officials but also to other staff members such as temporary agents and contract staff by virtue of Article 11 and 81 of the Conditions of Employment of Other Servants of the European Communities [http://www.cc.cec/statut/index_en.htm](http://www.cc.cec/statut/index_en.htm).

Further guidance is also available from the Commission's Communication on enhancing the environment for professional ethics and the case-law of the EU Courts, hence the need to consolidate relevant material. Bearing this in mind, the scope of this Guide could be presented along these lines:

→ The purpose of this Guide is threefold: to consolidate all relevant information in one document, to clarify OLAF’s position towards main ethical issues affecting its work and finally to provide guidance on the interpretation and implementation of relevant ethics rules and principles within OLAF.

LEGAL BASES AND RELEVANT REFERENCE DOCUMENTS

The EU Staff Regulations lay down the basic principles governing relations between the Commission and its staff. In particular Title II deals with the rights and obligations of officials.

The Code of Good Administrative Behaviour provides clear guidance on how Commission staff should serve the public. This code does not have the same legal status as the Staff Regulations, but it constitutes a set of internal rules by which the Commission has bound itself, and which are binding as instructions to staff.

OLAF staff carries out their duties specifically in accordance with the Guidelines for Investigative Procedures for OLAF Staff and with the internal rules on ethics presented in this document.

LEGAL BASES

Staff Regulations and Conditions of Employment of Other Servants

Financial Regulation


INTERNAL IMPLEMENTATION WITHIN THE COMMISSION


Social Media Guidelines for staff – November 2018


3 It is recalled that national legislation is also applicable to staff members in cases, for instance, which constitute a criminal offence under the national law of the host country.
Commission decision on external activities and assignments and on occupational activities after leaving the service – Administrative Notice N° 26-2018 / 02.07.2018

Commission Decision C(2018) 4048 final - Declarations of conflict of interest

Summary - Decision C(2018) 4048 final

FAQs - Decision C(2018) 4048 final

Communication from the President on Commission policy on the internal use of email – SEC(2009)1412

Guidelines for staff on the use of the commission’s information and communications technology (ict) services - Administrative Notice N° 24-2016

Commission decision on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment – C(2006)1624/3


OTHER RELEVANT DOCUMENTS

Ombudsman’s Public Service Principles for the EU Civil Service

IDOC Reports and IDOC Manual

APPOINTING AUTHORITY POWERS

The "Appointing Authority" (AA) has the power to decide on ethical issues. Please note that Appointing Authority powers in OLAF are exercised by the Director General.

For the Director General himself, Appointing Authority powers are exercised mainly by the College via a simplified procedure.
As from 15 June 2018, all tasks related to ethics processes are taken over by the HR corporate unit HR.E.3 'Ethics and Ombudsman'. You may contact the Ethics contact point in DG HR E.3 via the functional mailbox HR-ETHICS@ec.europa.eu

PRINCIPLES

The overarching principles guiding staff behaviour in the Commission are: independence, impartiality, objectivity, loyalty and dignity of the function.

These principles, which find their basis in Title II of the Staff Regulations are largely explained in the relevant Commission decisions and other acts. They have also been interpreted in the judgments of the Courts of Justice of the European Union.

Specific provisions have been introduced in Regulation (Eu, Euratom) No 883/2013 of the European Parliament And of the Council of 11 September 2013 concerning investigations that are conducted by OLAF.

The Guidelines on Investigative Procedures for OLAF Staff (GIPS) also refer to the principles of independence, impartiality, objectivity, loyalty and dignity of the function. According to the GIPS, investigative activities must be carried out in an objective and impartial manner, whilst ensuring procedural fairness.

INDEPENDENCE

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Article 11 SR:

An official shall carry out his duties and conduct himself solely with the interests of the Union in mind; he shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. [...]

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For more details on the definition and interpretation of the principles please refer to the links and documents indicated under section “Legal bases and RELEVANT reference documents”
In view of the nature and function of OLAF within the EU framework, the principle of independence is fundamental at all times and the application of this principle is subjected to intense public scrutiny.

Whilst carrying out their duties, Members of staff need to be independent from any improper influence and to keep in mind other obligations found in the SR, such as the duty of loyalty and the obligation to follow legitimate instructions.

The importance of preserving and ensuring independence is additionally underlined by the fact that this core principle is intrinsically connected to the role of OLAF’s Director General, as stipulated by Article 17 (3) of Regulation No 883/2013:

“The Director-General shall neither seek nor take instructions from any government or any institution, body, office or agency in the performance of his duties with regard to the opening and carrying-out of external and internal investigations or to the drafting of reports following such investigations. If the Director-General considers that a measure taken by the Commission calls his independence into question, he shall immediately inform the Supervisory Committee, and shall decide whether to bring an action against the Commission before the Court of Justice.”

IMPARTIALITY, OBJECTIVITY AND LOYALTY

Article 11 SR:

An official […] He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the European Union.

Impartiality implies a duty to remain unbiased and to apply the principle of non-discrimination on the basis of gender, religion, origins, citizenship, sexual orientation, disability or political opinions.

This does not apply to irregular instructions. According to article 21a SR, (1) an official who receives instruction 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 instruction 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 instruction in writing, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. (2) 2. If the immediate superior considers that the given instructions 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.

6 Article 17 (3) of Regulation (Eu, Euratom) No 883/2013
In particular, no bias should be shown when

- Assessing information relevant to an investigation
- Interviewing persons concerned
- Formulating recommendations for national or EU authorities

Procedural guarantees are applied with impartiality, in accordance with Article 9 Regulation No 883/2013:

“(1) in its investigations the Office shall seek evidence for and against the person concerned. Investigations shall be conducted objectively and impartially and in accordance with the principle of the presumption of innocence and with the procedural guarantees set out in this Article.”

In accordance to the principle of impartiality and its importance to OLAF’s staff conduct The Court of Justice ruled in case of Camós Grau v Commission:

“...105. By virtue of the rules which apply to it, OLAF must conduct investigations falling within its competence in compliance with the Treaty and the general principles of Community law, in particular the requirement of impartiality and with the Staff Regulations, Article 14 of which in particular seeks to avoid a situation where there is a conflict of interest on the part of officials...”

Objectivity requires staff to base their decisions on facts. All decisions must be motivated, to the extent that makes it possible to check the regularity of the procedure followed and to understand why a particular decision was taken.

All of OLAF staff should be impartial, open-minded, guided by evidence, and willing to hear different viewpoints. They should be ready to acknowledge and correct mistakes. In procedures involving comparative evaluations, staff should base recommendations and decisions only on merit and any other factors expressly prescribed by law.

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8 Judgment of the Court of Justice of 6 April 2006 in case T-309/03, Camós Grau v Commission, p. 113, 126, 141, 157 and 162.
**Loyalty** requires staff to fulfill their tasks in good faith while remaining loyal to the interests of the European Union and to OLAF's mission. It involves both active and passive obligations.

As an active obligation, the duty of loyalty translates, among other things, into the duty to follow legitimate instructions given by the hierarchy. Illegal acts and acts likely to cause serious problems are not subject to this obligation. Moreover, staff who come across serious irregularities have a duty to report them (please see section "Whistleblowing for OLAF staff").

A passive obligation is that the official should refrain from any conduct prejudicial to the dignity and to the respect owed to the Institution and its authorities.\(^9\)

**DIGNITY OF THE FUNCTION**

This obligation applies to behaviour at work and beyond. Acts adversely affecting the dignity of the function are acts "sufficiently serious" to reflect badly on the European Public Service and/or which bring it into disrepute.

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**Article 12 SR:**

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

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Dignity comprises respect to colleagues, avoidance of conflicts, remaining polite and seeking constructive solutions to problems.

*The Court of Justice has ruled that, sending to staff members a note containing aggressive statements and lacking in the required decency constitutes a failure to show respect to the dignity of the function.\(^{10}\)*

**OLAF SPECIFIC PRINCIPLES**

In addition to principles mentioned above, there are other, OLAF-specific principles, linked to procedural guarantees applied during OLAF's investigations.

With regards to the mentioned principles, and in line with the Judgment delivered by the CJEU in cases **C-11/00, Commission v ECB** and in Case **C-15/00**, the specific principles applicable to OLAF are:\(^{11}\)

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\(^9\) Case T-146/89, Williams vs CoA, para 96

\(^{10}\) Case T-183/96, E vs ESC, para 38 - 39

\(^{11}\)
• Procedural guarantees for those under internal/external investigation; the courts consider that these are an essential procedural requirement for investigations, and that failure to honour them undermines the legality of a final decision;

• Impartiality in the conduct of the investigation, which requires inter alia that OLAF investigators should not be involved in any conflict of interest;

• Rigour in seeking to ascertain the truth, failing which the Commission may be subject to non-contractual liability;

• Respect for the presumption of innocence in the context of an OLAF investigation, when transmitting information to third parties and communicating with the public;

• Protection of whistle-blowers, who are covered by the guarantees contained in the Staff Regulations and who continue to be covered by them even after the investigation launched on the basis of the information they provided is closed.

Judgment of the Court of Justice 10 July 2003 in Case C-11/00, Commission v ECB, p. 139, 138, 141 and 159 and judgment of the Court of Justice of 10 July 2003 in Case C-15/00, Commission v EIB, p. 107, 106, 164 and 105.
A. IDENTIFYING AND PREVENTING CONFLICTS OF ROLE AND CONFLICTS OF INTERESTS

One essential way of respecting the principles incumbent to staff is to **avoid any conflict of role or conflicts of interests**. This applies both to:

- Situations concerning **internal** OLAF/Commission matters (*e.g. you are a reviewer and are being assigned a case investigated by your spouse*).

- Situations presenting an **external** element (*e.g. you are called to investigate a fraud allegedly committed by a family friend*)

1. WHAT IS A CONFLICT OF INTEREST?

Over the years this concept has been defined in a number of ways. Article 11a of Staff regulations states the following:

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**Article 11a SR**

"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 […]

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."

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**A more focused definition** of the conflict of interest is given by **Article 57** of the **New Financial Regulation** referring to conflicts of interests in the financial field:

A conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient.
A conflict of interests exists therefore when you *(might or would in the future) have a personal interest,* or have been promised an interest, including a financial interest in the matter that was assigned to you at work and there is a risk that this personal interest might influence the result of your work.

Perceived conflicts of interests exist where a third party could reasonably form the view that a person’s private interest could improperly influence the performance of their duties now or into the future. They should therefore be treated in the same way as actual conflicts of interests. A Staff should maintain a high level of awareness and declare to the AA any conflict of interest situation, whether it is an actual conflict or a perceived conflict of interest.

Since the public official is usually the only person who knows whether he or she is in that situation, the public official has a personal responsibility to:

- Be alert to any actual or potential conflict of interest;
- Take steps to avoid such conflict;
- Disclose to his or her supervisor any perceived or actual conflict of interest as soon as he or she becomes aware of it;
- Comply with any final decision to withdraw from the situation.

The reasonable perception or the existence of a conflict of interests means that you cannot handle the case/file in question and requires certain measures to be taken by the Appointing Authority through your hierarchy.

**CONFLICTS OF ROLE**

A clear type of actual incompatibility is when, in your *previous employment,* you have dealt with issues related to the case/file you are being assigned in OLAF. This can also be described as a 'conflict of roles', to be dealt in the same way as a conflict of interest.
Relevant case law example\textsuperscript{12}:

Regarding the facts of the case, it is relevant to outline that there was a situation of conflict of interest on the side of the OLAF investigator involved in investigating the organisation named IRELA (Institute for European Latin American Relations). The conflict of interest was that the investigator, before being appointed as an investigator in OLAF, had undertaken certain actions and tasks within the Financial Control DG where he was previously employed, or, more specifically, in the very unit of that DG which was responsible for monitoring IRELA. The investigator in question served as acting head of unit and as such even signed notes concerning IRELA.

After learning of these circumstances (of which the investigator in question had not informed anyone within OLAF), OLAF decided to remove the investigator from the investigation.

The Court decided that the continuing presence and substantial involvement in the investigation of one of OLAF’s investigative officers, who was found to have had a conflict of interests, constitutes a serious and manifest breach of the requirement of impartiality. This is a fault capable of giving rise to non-contractual liability on the part of the Community.

(Judgment of the Court of Justice of 6 April 2006 in case T-309/03, Camós Grau v Commission.)

Here are some examples of conflict of role situations:

\begin{itemize}
\item \textbf{Example 1}: you have been a lawyer and defended a client in a fraud case. You then take up duties in OLAF and are being assigned the same case as investigator. In this case you should immediately inform your AA and refuse any implication in the case.
\item \textbf{Example 2}: You change jobs and are called to review a case that you investigated on in your previous job
\item \textbf{Example 3}: You have worked as EU staff member in another DG or another EU institution/agency and have dealt with the management of the same subject/file under investigation
\end{itemize}

And some examples of conflicts of interest:

\begin{itemize}
\item \textbf{Example 1}: You are asked to take part in a staff selection procedure and then find out that your best friend has applied for the job
\end{itemize}

\textsuperscript{12} Judgment of the Court of Justice of 6 April 2006 in case T-309/03, Camós Grau v Commission, p. 113, 126, 141, 157 and 162.
Example 2: You are devising the job specification for a tender. The job could suit your wife, with a few little adjustments....

Example 3: You are selecting a project and realize that you know the applicants: they are the same people who have promised you a lucrative part–time job in your retirement.

NOTE FOR INVESTIGATORS:

In the event that a potential conflict of role or interest arises at any time during a case or investigation the Director-General must be informed immediately.¹³

2. HOW TO PREVENT CONFLICTS OF ROLE OR INTERESTS

The Commission has set up a whole set of rules to help staff deal with conflict of interests or to avoid them in each of the cases mentioned above. Specific OLAF procedures are presented below. For more information on EC wide rules and more general aspects please refer to the documents listed under section “Legal bases and RELEVANT reference documents”.

Once your hierarchy has been notified, they will decide upon the best action to be taken. Three options/mitigating measures are possible:

- The AA concludes there is no conflict and decides to keep you on the case/file. However, special caution is advised in these situations and further regular checks will be necessary in order to avoid any possible perception of loss of objectivity.

- The file/task is allocated to someone else and you are required to avoid any implication in it. Additional measures to ensure information security might be taken. These actions protect the EU interests, OLAF’s image and your professional integrity.

- You are required to change jobs. Although very rare, in some cases the conflict of interests may be so obvious that it leaves no other option than your changing jobs. In such cases your AA – the Director General – will have to assign you to another post within OLAF, taking into account principles like the interest of the service and the duty of care of the administration. As previously stated, this does not automatically imply any wrongdoing on your side, being only a preventive measure. The OLAF Human Resources Unit and your manager will be available to provide you with any assistance and additional information if needed.

By definition, ethics requests are assessed on a case by case basis. In the case of conflicts of interests, to establish whether such a conflict exists or not, the AA will take into account the following criteria:

- **The perception of a third party.** This means that even if you feel you can maintain complete impartiality in investigating a fraud allegedly committed by a relative or friend, the fact that a third party would reasonably conclude that you might lack impartiality is enough to trigger mitigating measures. Therefore, there is no need to prove the existence of a prejudice to the Institution. These measures will apply therefore both to existent and perceived conflicts of interests.

- There is **sufficient ground to imply a loss of objectivity** in carrying out your work. An unfounded perception of a third party is not enough to trigger the application of article 11 SR. A reason must objectively exist to justify such a perception. This is a neutral assessment that neither implies any wrongdoing nor prejudges your behaviour.

- **The nature of the interest** (e.g. financial, family interests, friends, prior involvement, etc.).

- The **magnitude** of the financial interest.

- The **effect** that OLAF’s decision on the case/file may potentially have on that interest (e.g. financial loss or gain, personal interests, etc. The bigger OLAF’s impact on the interest the more likely it is that the potential conflict of interests might interfere with your work.).

- Your **role** in the decision-making process in the case/file.

- **When taking up a case, investigators will be required to make a case specific declaration of conflicts of interests**\(^\text{14}\)

All investigative activities shall be carried out in an objective and impartial manner ensuring procedural fairness, in accordance with the highest professional standards and in full respect of the rights of all persons involved. In the event that a potential conflict of interest arises at any time during a case the Director-General shall be informed immediately.

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\(^{14}\) As of 1 January 2014. The text of the declaration is: "I hereby declare that, to the best of my knowledge, I have no possible conflict of interests with this case. If my situation changes during the case, I will immediately consult my hierarchy."
- In the affirmative, the investigator/HoS/HoU concerned has to provide reasons for the perceived conflict. The decision is then taken by management, up to the DG as the last person, who then accepts or rejects the CoI.

All staff working on investigations has the duty to immediately speak out and register a Conflict of Interest should one develop during the course of an investigation or the monitoring phase.

3. CONFLICT OF INTEREST WHILE ON LEAVE ON PERSONAL GROUNDS (CCP)

If the staff member plans to carry out a professional activity during his leave on personal grounds, prior permission must be obtained to avoid any possibility of a conflict of interest with the institution.

The request must be sent via SYSPER at least two months before the start of the activity.

There is however no obligation of prior permission when certain cumulative conditions are fulfilled. These are the same conditions as those for staff members in active employment, applied mutatis mutandis and are the following for activities that:

• are unpaid or do not generate revenues
• are neither pursued in a professional capacity nor are performed for a commercial entity;
• have no negative impact on the reputation and/or on the trustfulness of the Institution;
• the other obligations laid down in the Staff Regulations are complied with.

As of 1 January 2014, permission shall not be granted to a staff member to engage in such occupational activity, whether gainful or not, involving lobbying or advocacy vis-à-vis their institution which could lead to the existence or possibility of a conflict of interest.

The Appointing Authority and the authority empowered to conclude contracts of employment (AECE) examines any actual or potential conflict of interest in relation to staff members returning from leave on personal grounds.

Furthermore, staff members returning from CPP or unpaid leave will have to inform the Appointing Authority/AECE of any such conflict of interest by filling in a specific form.
In the particular case of elected office or public appointments, CCP may cease to be a right and become a requirement.

Therefore, if a staff member is a candidate or elected and appointed to public office, they must notify the Appointing Authority. The Appointing Authority will then decide whether, in the interests of the service, the person concerned must apply for leave on personal grounds.

For more information on the concept of conflict of interests please refer to My Intracomm and to the other information and documents listed under Section “Legal bases and RELEVANT reference documents”.

4. DECLARING POTENTIAL OR EXISTING CONFLICT OF INTERESTS

If staff members in active service are in a situation of conflict of interest or are in any doubt as to whether the circumstances they face could give rise to concerns over a conflict of interest, they should notify the Appointing Authority immediately. They should make this declaration directly in SYSPER via ethics module (SYSPER -> MY PERSONAL FILE -> ETHICS -> NOTIFICATIONS & AUTHORISATIONS).

In the case of a declaration of interest related to entry into service or return from personal leave, templates are available on My Intracomm: https://myintracomm.ec.europa.eu/staff/en/staff-conduct/individual-obligations/conflict-of-interest/Pages/index.aspx

The procedure is different for SNEs, in the sense that they are only required to inform their Head of Unit who has the power to remove the national expert from the case.15

B. CONTACTS WITH INTEREST GROUPS

As the Commission has the right of initiative in European legislation, the Commission is a natural target for interest representatives with regard to a policy issue or a legislative initiative.

RELATIONS WITH INTEREST GROUPS

A large number of lobbyists operate in Brussels, representing practically every sector of commerce, trade, industry, services, consumer protection, regional policy, etc., and including non-governmental organisations (NGOs).

Their mission is to influence the EU's legislative process, whereas the Commission has an obligation to listen to all parties with a direct interest within its proposals.

On the one hand, the existence of lobbies is useful as they provide expert advice necessary to initiate and to draft legislation that takes full account of the specificities of the domains concerned.

On the other hand, lobbying represents a risk for an administration, as the staff involved in policy-making may – inadvertently - be exploited for the purposes of a specific interest group with detrimental effects for the public interest. It is important for staff members to keep these potentially conflicting aspects in mind in order to preserve their professional and personal independence.

OTHER TYPES OF CONTACTS

Similarly, such considerations may need to be taken into account in other types of contacts, such as with the other EU Institutions and bodies and other non European organisations; as well as in the management of programmes and projects and calls for proposals/tenders. For more information on the contact with interest groups, please refer to My Intracomm.

B. OUTSIDE ACTIVITIES AND ASSIGNMENTS DURING ACTIVE SERVICE

Article 12b SR, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Union, shall first obtain the permission of the Appointing Authority […]

An outside activity (Article 12b of the Staff Regulations) means any activity, paid or unpaid, that:
1. is not part of the staff member’s duties at the Commission, including those covered by a mission order or an authorisation to travel for work-related reasons (such as giving a speech or a presentation); and
2. cannot reasonably be considered a hobby or leisure activity.

An ‘assignment outside the Union’ as referred to in Article 12b of the Staff Regulations means a one-off task, paid or unpaid, that meets the conditions laid down in the above points (1) and (2).

A new Commission Decision C(2018) 4048 was adopted on 29 June 2018. At a practical level, an outside activity should not:

- be so time consuming as to impact negatively on their work at the Commission, or constitute a job in itself;

give rise to any possible appearance of a conflict of interest or be in some other way discreditable, so as to risk bringing the Commission into disrepute.

Furthermore the amount of remuneration should not be more than €10.000 per year. No outside work may be performed either on the premises of the Institutions or during normal working hours.

The Article 12b of the Staff Regulations state that every official or agent must first obtain permission from the Appointing Authority before undertaking any type of work outside the institution, whether paid or unpaid; or holding any office outside of the European institutions.

Activities for which permission is deemed to be granted

The Decision on outside activities clarifies that there is no obligation to seek prior permission from the Appointing Authority for activities that meet cumulative conditions listed under Article 4 of Commission Decision C(2018) 4048.

The Appointing Authority’s permission is deemed to be granted because these activities are considered: not to interfere with the performance of the staff member’s duties, and to be compatible with the interests of the Institution.

The cumulative criteria for outside activities and assignments listed are:
- unpaid or do not generate revenues;
- neither pursued in a professional capacity nor are performed for a commercial entity;
- performed outside the working hours agreed with the line manager of the staff member concerned, or are covered by a duly approved leave or recuperation;

- the impartiality and objectivity of the staff member while performing his duties are not compromised, or may not appear to be compromised in the eyes of third parties, because of interests which diverge from those of the Institution;
- has not a negative impact on the reputation and/or on the trustfulness of the Institution;
- the other obligations laid down in the Staff Regulations are complied with.

In case of doubt, use the form to contact Unit HR.E.3.

Examples

Any unpaid activity that has no link with the activities of the EU, is carried out in a purely private capacity and is undertaken from time to time only, upon need, in particular:

1. charitable and humanitarian activities
2. activities relating to sport or wellbeing
3. activities deriving from political, religious, trade unionist and/or philosophical convictions
4. craftwork, artistic or cultural activities.

Unpaid teaching activities unless they are performed for a commercial entity;

The mere ownership of assets or holdings, or the management of the personal or family fortune, whether in a private capacity or as a shareholder of a company, but not running a business;

The mere membership of a professional order or association, unless the code of conduct of the order or association conflicts with the staff member’s obligations under the Staff Regulations.

Staff who have chosen to work part-time can only engage in unpaid outside activities. This applies also for credit-time formulas. However, staff to whom only a part-time contract has been offered (structural part-time) can engage in both unpaid and paid outside activities or assignments (without any remuneration ceiling).
Staff members in receipt of an invalidity allowance, but not yet retired, must ask for authorization from the Appointing Authority to engage in a paid or unpaid activity (under Article 12b and 13(2) of Annex VIII to the Staff Regulations). The Appointing Authority will ask the Medical Service for an opinion.

If this medical assessment is positive, and if the person concerned is or intends to engage in gainful employment, the Appointing Authority shall assess whether, under Article 13(2) of Annex VIII, such employment is consistent with the current basis for granting the invalidity allowance.

**Unauthorised activities**

The Appointing Authority will not provide authorisation to certain activities. These are activities which, by their very nature, are liable to interfere with the performance of the staff member’s duties and/or are incompatible with the interests of the Institution. This is for example the case of activities performed during working hours or giving rise to a conflict of interest.

The activity is also prohibited when the remuneration of that activity, by itself or combined with the remuneration of other permitted activities, exceeds the ceiling of €10,000 per calendar year.

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**DEADLINES AND TIMELIMITS**

All the activities that do not meet the criteria listed for activities for which the permission is deemed to be granted require prior authorisation by the Appointing Authority:

- requests must be **submitted 2 months before starting** the work in question via the Ethics module of SYSPER. Relevant documents should be sent to unit HR E.3.;
- before making its decision, the Commission reserves the right to **assess each case** on its merits with regard to the type of work proposed. Permission may be refused to staff members if the work they will perform or the assignment they will be holding are liable to compromise their independence or prejudice the work of the EU;
- if the Commission grants permission to undertake outside activities, they need to keep in mind that they will be subject to the relevant national income tax rules and social legislation.
Permission granted under Article 12b will be valid for the period that will be stated in the Appointing Authority decision. If they wish to extend or renew their permission, staff members must submit a fresh application. A new request for authorisation needs however to be submitted in case of a change to the outside activity or in the staff member’s post.

⚠️ There is no tacit approval after 30 days. You must therefore wait for approval before commencing the activity.

For more information please consult the external activities page on My Intracomm. Should you not find an appropriate answer, please do not hesitate to contact colleagues from Unit HR E.3 via the functional mailbox HR ETHICS. You might also want to refer to the documents and examples of practical cases mentioned under section "Legal bases and RELEVANT reference documents".

ACTIVITIES AND ASSIGNMENTS AFTER LEAVING THE SERVICE

After leaving the service, former staff members must continue to "behave with integrity and discretion", as stipulated in the Staff Regulations. They must sign a declaration provided by the Appointing Authority stating that they are aware of their continuing obligations to the Commission, in particular under Articles 16, 17 and 19 of the Staff Regulations.

In particular, former staff members must "refrain from any unauthorized disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public".

Also, former staff members continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

OBLIGATION TO INFORM THE APPOINTING AUTHORITY

16 Article 16 of Staff Regulations – “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.”
For two years after leaving the service, a former staff member wishing to perform outside activities or assignments must inform the Appointing Authority. This also applies to contract staff who have had access to sensitive information\(^\text{17}\) (Article 22 of the Commission Decision on outside activities and assignments).

\(\Rightarrow\) However, under Article 13(2) of Annex VIII to the Staff Regulations, former staff members in receipt of an invalidity allowance, but not yet retired, must ask for authorization from the Appointing Authority to engage in gainful employment. The Appointing Authority will ask the Medical Service for an opinion to determine whether the envisaged activity or assignment is consistent with the original reasons for granting an invalidity allowance or pension.

If that activity is related to the work carried out during the last three years of service and could lead to a conflict with the legitimate interests of the Commission, the Appointing Authority can forbid the staff member from undertaking it or give its approval subject to any conditions it sees fit.

![Note: As of 1 January 2014 former senior officials\(^\text{18}\) will, in principle, not be allowed to engage, during the twelve months after leaving the service, in lobbying or advocacy vis-à-vis their former Institution on matters for which they were responsible during their last three years of service.\(^\text{19}\)](image)

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**WHAT INFORMATION MUST BE PROVIDED?**

The Appointing Authority has **30 working days** to communicate its decision to the former official.

This deadline is considered to start running when the form is submitted to the relevant service. During these 30 days, the following will be consulted for an opinion: the Directorate-General of origin (other Directorates-General may also be consulted where appropriate), the Secretariat General, the Legal Service and the Joint Committee (COPAR). **If no notification has been sent to the former staff member by the end of this period, this is deemed to constitute implicit acceptance.**

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\(^\text{17}\) Article 22 of the Commission Decision on outside activities and assignments.

\(^\text{18}\) The term senior officials refers to officials occupying functions corresponding to the type of post of Director-General in grades AD16 or AD15 as well as those occupying functions corresponding to the type of post of Director in grades AD15 or AD14.

\(^\text{19}\) Article 16 (3) of Staff regulations – “In the case of former senior officials as defined in implementing measures, the appointing authority shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.”
C. GIFTS AND HOSPITALITY

Article 11 SR

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.

As stipulated by Article 11 of Staff regulations and being a general rule, Staff members should not accept gifts, favours or payments from governments or any other source outside the Commission without obtaining prior permission from the Appointing Authority.

These rules also apply to former staff (officials or agents) if the gift/favour/donation has any link with their work at the Commission.  

The Commission has adopted Guidelines on gifts and hospitality in order to help staff members to follow their legal obligations.

Gifts include:

- A sum of money or any physical object; or,
- An invitation to participate for free in events which are open to the public or are private in nature, are only accessible in return for payment and represent a certain value (such as complimentary tickets for sports events, concerts, theatre, conferences, etc.); or,
- Any other advantage with a pecuniary value such as transport costs.

Accepting a gift or hospitality offer may exceptionally be authorised (within certain limits) when it is clear that this will not compromise or reasonably be perceived to compromise the staff member’s objectivity and independence and will not damage the Commission’s public image.

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21 Ibid
Hospitality offers are considered to be one particular type of favour. Hospitality is defined as an offer of food, drink, accommodation and/or entertainment from any source external the institution.

Permission to receive a hospitality offer is presumed to be granted if the even (lunch/dinner, etc.) is strictly linked to the function of the official who participates in it in agreement with his/her hierarchy and is not prejudicial to the interests of the Commission. The same is valid for simple meals, refreshments, snacks, etc.

Whatever is being accepted as hospitality must remain strictly necessary to better achieve professional objectives and full transparency towards the hierarchy must be ensured.

**THRESHOLDS**

According to the Commission Guidelines, the following thresholds are applicable:

- **50 €** - threshold under which **prior permission is presumed to be granted**. In these cases, caution is strongly advised as to avoid any misinterpretation and perceived loss of impartiality. Please note that other provisions of the SR might apply, such as giving rise to conflicts of interests *(e.g.: accepting even a small gift or an invitation to lunch from a tenderer in a procurement procedure that you are managing would be perceived as a clear case of conflict of interests)*.

- From **50 € to 150 €** - value at which the AA may authorise a staff member to accept the gift or favour if s/he considers that there is no ethical issue.

- Above **150 €** - value above which no gift will be authorised.

The above mentioned thresholds apply per individual gift. However staff should be aware that if they are seen to receive many gifts of a small value or many gifts from one source this may cast in doubt their independence and impartiality.

**EXAMPLES OF ACCEPTABLE GIFTS/OFFERS OF HOSPITALITY:**

- Symbolic gifts offered by national authorities, representing most of the time the culture of the country in question; **By symbolic gifts we mean gifts without any monetary value (plaque or certificate) or any small object without any resale value bearing a logo, such as a conference bag, a mug, a pen**.

- Offers of lunches/dinners offered to all participants in the conference that you are attending or which are officially part of the conference’s program (not within a mission).
EXAMPLES OF GIFTS/OFFERS OF HOSPITALITY THAT WILL BE DECLINED

- Offers of gifts and hospitality from a company likely to be a tenderer in a procurement procedure that has just been published;
- Vouchers to treatments or hotels that you receive in relation to your work;
- Invitations to an expensive conference, all costs being paid by the organisers, whereas you are not a speaker at the conference or OLAF is not in any way participating to the event and most of the participants pay their own costs.

OLAF’S GUIDANCE ON GIFTS AND HOSPITALITIES

The general Commission rules foresee that Staff members should not accept any direct or indirect gifts or hospitality offered by third parties. However, in exceptional circumstances, they may be allowed to accept gifts or hospitality, if:

- the acceptance of the gift or hospitality is not counter to the interest of the service, and
- it is not presenting a real or perceived conflict of interest for the staff member concerned, and
- such acceptance would be in accordance with diplomatic and courtesy usage.

In line with its core mission, OLAF must place itself at the very front of the EU institutional framework when referring to the respect of professional ethics. In order to achieve this, it is necessary for OLAF to lead by example, especially when referred to ethics and professional conduct.

This is especially significant with regards to gifts and hospitalities offered to OLAF and its staff. While taking into consideration the nature of OLAF’s tasks and missions, the Commission’s rules concerning gifts should be applied stricter to OLAF’s staff.

Because of the high risk of perceived potential loss of impartiality, ANY gift that IS MORE than merely symbolic in nature will be refused by OLAF staff. Gifts of a symbolic nature are items without any redeemable pecuniary value.

Likewise, OLAF only offers gifts of a symbolic nature to visitors or hosts, for informational or promotional purposes. For the same reason, OLAF does not offer or receive any hospitality.

⚠️ Having in mind aforementioned, staff in OLAF should reject any gift offered to them. They should inform the source that the gift cannot be accepted, and the gift
should be returned to the source if possible and diplomatically appropriate, with an accompanying letter.

![Tip]

**In case that the rejection of the gift is not possible at the moment when the gift is received**, due to the diplomatic principles or when the immediate rejection would be seen or considered as rude and against principles of courtesy, **staff members should**, nevertheless, transmit the gift directly to OIB Services (OIB.OS.1 - DAV 1 1/255). For transparency reasons, it is advised to inform the sender that the gift was not accepted and will be sent to a charity, unless this is diplomatically inappropriate.

**Afterwards, staff should** inform his immediate superior **that the gift has been returned to OIB. Such gifts will be allocated to a charitable work chosen by OIB. This will then not be counted as acceptance.**

→ **OLAF’s staff should be aware of the specific rules regarding the acceptance of hospitalities during a mission:**

**OLAF’s rule:**  
*Any offers of hospitality during missions must be refused. In the same way, no offer of hospitality must be made by OLAF during missions.*

### D. DECLARATIONS OF MISSION EXPENSES

Everyone involved in the process of organising a mission or authorised travel is under an obligation to act in good faith vis-à-vis the Commission. In particular, they must take account of all the following factors when deciding on the arrangements for the mission or authorised travel:

- Optimum cost efficiency and the principle of sound financial management,
- The duty of care,
- Absence of conflict of interest,
- Upholding the Commission’s reputation,
- Respect for the dignity of the service,
- Respect for work-life balance.

On their return from mission, staff members must draw up a statement of mission expenses and enter it in the MIPS tool, together with the relevant supporting documents, without delay and in any case within three months of the date of their return. Statements of expenses should be completed carefully and correctly. It is the responsibility of the staff member participating in the mission to ensure the accuracy and correctness of the information provided in the declarations in MIPS submitted to the hierarchy.

E. DECORATIONS AND HONOURS

Article 11 of Staff Regulation applies to:

- national honours and decorations awarded by a sovereign State;
- official medals awarded by a sovereign State or an official organ of that State (ministry, regional or municipal authorities, etc.) or recognised by an official authority (Prix Charlemagne, Carnegie Hero Fund, etc.);
- private titles and medals (from foundations, institutes, universities, fraternal societies, etc.), awarded as a mark of recognition or token of esteem, but which are not in any way official.

Only the type of honours, decorations and medals described above are subject to the restrictions outlined in Article 11 of the Staff Regulation.

Invented honours and medals (often named so as to resemble decorations awarded by governments), which are sometimes created for profit, are not subject to these restrictions.

During your career you may be offered a decoration or other kind of honour (e.g. military decoration from your country). As EU official, you will need to request permission from your Appointing Authority to accept such offers.

**Which is your Appointing Authority?**

The Director-General Human Resources and Security is the Appointing authority for all staff members, of all grades and functions. You should then send an authorisation form to unit HR.E.3.

**How is it taking decisions?**

In deciding, the Appointing Authority will take into consideration the following factors:

- the reason for the granting of the honour or decoration;
- the possible consequences for the Institution's interests.

Commissioners shall notify the President of the Commission of any decoration, prize or honour awarded to them (Code of conduct for Commissioners - 2018.pdf)
In principle there are no obstacles for staff to take part in the life of a political party insofar as the member of staff respects the requirements of the Staff Regulations to have a neutral and independent position in the execution outside of his or her duties and the other relevant provisions of the Staff Regulations.

Certain procedures should be followed by staff who wishes to get involved actively in politics, external their duties in the Commission.

**Article 15 SR**

1. An official who intends to stand for public office shall notify the Appointing Authority. […] 2. An official elected or appointed to public office shall immediately inform the Appointing Authority. […]

For more information please consult the relevant rules on [My Intracomm](#) on standing for public office or being elected/appointed to a position. Should you not find an appropriate answer, please do not hesitate to contact the colleagues in HR.E.3 via the functional mailbox HR ETHICS
G. ACTIVITIES OF SPOUSE OR PARTNER

To prevent perceived or actual conflict of interests and to check on the entitlement to certain allowances, the SR requires staff to declare the gainful employment of their spouse.

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Article 13 SR

If the spouse of an official is in gainful employment, the official shall inform the Appointing Authority of his institution. […]

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1. THE MEANING OF “SPOUSE”

Article 13 SR is usually interpreted to refer to a marriage partnership. However, Article 1(d) of the Staff Regulations states: "for the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2) (c) of Annex VII are fulfilled". This means that the definition of spouse under Article 13 also covers stable non-marital partnerships provided that the Commission has recognised this partnership, taking into account the legal requirements of the Staff Regulations which are that the couple has no access to legal marriage in a Member State, and that the other conditions listed in Article 1(2) (c) of Annex VII are fulfilled.
2. THE MEANING OF ‘GAINFUL’

Gainful employment refers to remunerated employment or employment which, even if not directly remunerated, brings any type of income/benefit to the household.

If your spouse works but is not remunerated (volunteering, traineeships) you will not need to submit an Article 13 SR declaration, however, you will always need to consider submitting the declaration of conflict of interest, if such a conflict might exist between your job in OLAF and that of someone other than your spouse/partner but is close to you for family or friendship reasons.

3. DECLARATION OF GAINFUL EMPLOYMENT OF A SPOUSE

You should submit the declaration:

- Any time you change AAs (e.g., you are newly transferred to OLAF from another DG or from another institution). **Generally any newcomer to OLAF needs to submit this declaration if their spouse is in gainful employment.**
- When you marry if your spouse is in gainful employment.
- Anytime your spouse changes jobs, if the new job is gainful
- Anytime you change jobs, including jobs within OLAF.

⇒ Please be aware of the fact that every staff member has the obligation to submit this declaration under the provisions of Article 13 of SR. Additionally, you should bear in mind the obligation to declare any other potential conflict of interest situation that may arise under Article 11 (a).

Whilst Article 13 SR imposes an unconditional obligation of declaration, **Article 11(a) does not, but refers to a concrete ad hoc situation of conflict of interest which might compromise the official's independence in a specific case or file.** Under Article 11 (a) it is for the official, who best knows the relevant facts, to declare any potential concrete source of conflict of interest and to allow the Appointing Authority to assess if any measures are required.

To submit the declaration, please follow the Sysper procedure mentioned in the ANNEX of this document.

Please find some relevant questions and examples on this matter below:

⇒ I am living with my partner and my partner works. We are not married nor in a partnership that would be treated as marriage by the Commission. What do I have to do?

If you are not married, and not in a stable non-marital partnership which is treated as marriage by the Commission, (see Question 1), the Staff Regulations do not oblige you to declare your partner’s activity under Article 13. In such a situation you must evaluate whether your partner’s activity could give rise to a particular situation of conflict of interest which might ultimately damage your position and the reputation of the institution, if exposed,
for example in a newspaper. If this is the case, you should make an individual “ad hoc” declaration of conflict of interest under Article 11 (a) SR.

Article 13 speaks of “officials”. What about contract agents, temporary agents and Seconded National Experts?

According to Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union, Article 13 applies by analogy to temporary agents and contract agents. Seconded national experts are subject to an equivalent obligation in accordance with Article 7 (d) of the Commission Decision C(2008) 6866 of 12.11.2008.

My spouse also works for the Commission as well. Do I need to declare this?

No, you do not need to declare this, given that there cannot in principle be any incompatibility in working in different services of the Commission. However there may be very exceptional situations in which you may have to fill in an “ad hoc” declaration under Article 11 (a). Examples could be when you are called upon to audit activities where your spouse is involved or investigate irregularities in your spouse’s field of work.

My spouse works for another EU institution. Do I need to declare this?

Yes, you should. The Appointing Authority does not automatically have all the information at its disposal to judge whether there could be a conflict of interest (for example in legislative consultations there can obviously be different interests and positions taken by each institution).

My spouse is not working regularly but is only involved from time to time on a voluntary basis in organising charity events or projects for which no remuneration is given. Do I need to declare this?

No, the obligation to declare only relates to gainful employment, i.e. activities intended to generate income. Depending on the nature of these events or projects, you may however need to fill in an “ad hoc” declaration under Article 11(a) (see Questions 5 and 6 above). This could be the case if your spouse was active in an NGO campaigning against the Commission in an area in which you have responsibilities, but not when it concerns a purely charitable activity.
II. GIVING EVIDENCE IN LEGAL PROCEEDINGS AND IMMUNITY FROM LEGAL PROCEEDINGS

1. GIVING EVIDENCE IN LEGAL PROCEEDINGS NOT RELATED TO OLAF INVESTIGATIONS

Staff members are called on to give evidence in legal proceedings to do with their work, they must request prior authorisation from the Appointing Authority, in line with the Staff Regulations (Article 19). Staff members continue to be bound by this obligation after leaving the service.

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 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 European Union.

These provisions do not, however, apply to a member of staff or former member of staff called on to give evidence before the Court of Justice of the European Union (including the Court of First Instance or the Civil Service Tribunal) or before a Disciplinary Board of one of the European institutions for a case related to a staff member or former staff member of the European Union.

A staff member or former staff member who is called to give evidence in legal proceedings related to his work, must request prior authorisation from the appointing authority (Article 19 of Staff Regulation). Even if the interests of the EU would require authorisa-
tion to be refused, it would nevertheless be granted if refusal could result in prosecution of the official concerned.

However, such requests may also be made by a national judicial or police authority without the staff member being informed. In such circumstances, if the Commission is asked to maintain the secrecy of the procedure, the staff member is informed of the lifting of his/her confidentiality requirement only when he/she is summoned to a hearing by the national authorities.

Requests for authorisation and their supporting documents (in particular the judicial body’s request) should be sent to Unit HR.E.3 in Brussels, by the staff member or the Commission department responsible (the Anti-Fraud Office, DG HR’s Security Directorate, their Directorate-General, etc.).

If they need to remain confidential, the requests for authorisation have to be transmitted by the applicant service in a double sealed envelope. The Appointing Authority takes a decision after checking the applicable rules and consulting the Legal Service. The decision is sent to the person who requested authorisation.

Upon receipt of a request from national authorities to give evidence in legal proceedings not connected to an OLAF investigation, advice should be sought from HR E3, using the functional mailbox HR ETHICS.

It should then be sent to OLAF Director General, with a copy to unit HR E3 (functional mailbox HR ETHICS)

1. GIVING EVIDENCE IN LEGAL PROCEEDINGS RELATED TO OLAF INVESTIGATIONS

Article 12(4) of Regulation 883/2013 states that the Office ‘may provide evidence in proceedings before national courts and tribunals in conformity with national law and the Staff Regulations.

Whenever a request is received from a national authority, within the context of an OLAF investigation, the unit in receipt of the request must fill the corresponding work form and submit it through the OLAF Case Management system to the Director General of OLAF for approval. Unit C4 may be consulted.
CODE OF ETHICS

For 1 and 2 above, the final decision rests with the Director General of OLAF, who holds AA powers for (i) all OLAF staff during their employment in OLAF and (ii) former OLAF staff when they are being called to give evidence in legal proceedings on matters known to them as a result of their former assignment in OLAF.

For more information please refer to the dedicated page on My Intracomm - https://myintracomm.ec.europa.eu/staff/en/staff-conduct/individual-obligations/Pages/legal-proceedings-immunity.aspx

2. IMMUNITY FROM LEGAL PROCEEDINGS

According to the Protocol on the Privileges and Immunities of the European Union officials of the EU are immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They continue to enjoy this immunity after the end of their duties.

As results from the text above, immunity only applies to acts carried out in the course of duties in our work. Private actions are therefore excluded from immunity and officials cannot be exempt from complying with the laws and police regulations in force (for example, if you are driving a hired car while on mission you have no immunity in the event of an accident).

Such immunity can be lifted if the institution considers that waiving it is not contrary to the interests of the EU.

Article 23 (2) SR

When privileges and immunities are in dispute, the official concerned shall immediately inform the Appointing Authority.

Should you find yourself in such situation, you should contact immediately HR.E3 via the functional mailbox HR ETHICS

III. FREEDOM OF EXPRESSION

1. PUBLICATIONS AND SPEECHES

The rules explained in the present section refer to publications or speeches of a member of staff in his personal capacity. They do not concern official publications of the Office of text written by staff as part of their daily tasks, which fall under different rules. While publishing or giving a speech a member of staff is always bound by the obligation to refrain from any unauthorised disclosure of information according to article 17 SR.

OLAF staff working on investigations are under the obligation of professional secrecy with regard to information transmitted or obtained in the course of such investigations, in whatever form, as stated by article 10 (2) of Regulation 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF).  

2. PUBLISHING

As a rule, any kind of publication (including online publications) / speeches dealing with EU matters should be authorised by the Appointing Authority prior to the date of publication/speech.

University lectures held within an external activity request do not, in principle, need authorisation. If the lectures will however result in a paperback manual, or are published on line and if they deal with EU matters or with any other OLAF-specific matters, then a request for authorisation to publish should be submitted before publication.

Any kind of publication/speech which, although not dealing directly with EU matters, but clearly related to your work and professional scope of duties (e.g. publications on fraud prevention in general that do not refer to any EU measures or OLAF) still needs to be authorised.

For more details on whether you should request an authorisation to publish and under which form, please refer to the Right of freedom of expression.

According to the circumstances, you will need to make:

- A request for **authorisation to publish** – for all texts dealing even partially with EU matters or in connection to your work,
- A request for **authorisation to accept remuneration** – for all texts published for which you will be paid, whether they deal or not with EU issues,
- Both requests for **authorisation to publish and to receive remuneration** if you publish on EU matters and you are going to be remunerated for the activity (this excludes royalties)

In certain cases, when the activity of drafting the text can be considered in itself to be an outside activity, because of the amount of time it requires (example: You want to publish a book that will require a substantial number of hours per week to write it) or the formality it presents (example: formal contract with the publisher), you may need to submit an **Outside activity request for the activity of drafting the text**. For more details, please refer to section "B. Outside activities and assignments".

3. **CONDITIONS**
Every text that you publish/write/deliver a speech on EU matters you will need to include a disclaimer, stating that the "opinions expressed are personal and do not engage in any way the European Commission/OLAF". The OLAF’s L.E.O can provide you with examples of disclaimers in different languages.

You are strongly encouraged to use a disclaimer also for publications that do not deal with EU matters but may have a link to your work.

**Example:**

> A legal officer in OLAF, who is sometimes required to provide advice on criminal law, wants to write an article on the same topic. Even if the article only refers to criminal law and does not touch upon EU matters, because of the nature of his duties, he/she should use a disclaimer.

Particular attention should be given to the provisions of Article 17 SR according to which, 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.

To summarise, you are advised to:

- Be restrained in your opinions,
- Refrain from any unauthorised disclosure of information. If you are not sure an internal document is already public or accessible to the public, you should make an access to documents request concerning it and clearly indicate in your request that you intend to use it in a publication/speech.
- Use a disclaimer.

### 4. DEADLINES AND TIME LIMITS

You are generally advised to introduce a request at least 2 months before the publication or delivery of the speech and in any case not later than 30 working days before that date. The administration will have 30 working days to send you its observations or approve the request. If the administration requires changes in your text, another 30 working days deadline will start on the date you resubmit the text.

If the administration does not reply within this time limit, it is considered to have no objections.

### 5. USE OF SOCIAL MEDIA
Particular attention should be given to social media (Facebook, Twitter, Google+, etc.) due to their very public potential. Unless required to use them professionally, staff should remember that they are using such platforms in their private capacity and make sure this is clarified in their profile or where appropriate.

When using social media staff should keep in mind their obligations of independence, impartiality, dignity and loyalty to the EU. Staff must not post any information related to their work, which is not public or any pictures taken of OLAF’s premises on social media websites.

**Example:**

*According to the IDOC report 2012, ironic, insulting and inappropriate messages towards a colleague made through social media are considered as inappropriate behaviour which reflects adversely upon an official’s position and can lead to a disciplinary sanction.*

For more guidance on the use of social media please refer to Social Media Guidelines for all staff – Administrative Notice n° 34/2011.

*For more information please refer to the pages on freedom of expression for EU staff on My Intracomm.*

For more general information: DG HR – HR-ETHICS@ec.europa.eu and COMM-SOCIAL-MEDIA-TEAM@ec.europa.eu

For OLAF-specific questions: OLAF-media@ec.europa.eu

### IV. RELATIONS WITH THE PUBLIC

**REQUESTS FROM CITIZENS**

All requests for access to documents, access to the file or access to personal data should be referred promptly to the OLAF Legal advice Unit. The Unit will prepare a reply within the statutory deadlines, which takes into account rules on confidentiality and data protection, as well as the latest jurisprudence of the Courts of Justice of the European Union, the European Ombudsman's findings and the European Data Protection Officer's
opinions as appropriate. The Legal Advice Unit will also consult the Commission’s legal service when necessary.

REQUESTS FROM THE MEDIA

Contacts with the media are restricted to OLAF's spokesperson and press team. Requests for information or statements should be re-directed to the office of the spokesperson.

If approached, especially if the request for information is made on the phone, an OLAF staff member must re-direct the question to the spokesperson.

When participating in conferences or other work-related events, the possibility of spontaneous requests from the media should be anticipated. A line to take should be approved by the hierarchy and the Spokesperson, except for cases on which OLAF or the Commission has already taken a line. When making a public statement, the staff member is acting de facto as a spokesperson for the Commission. Therefore the message should be accurate, clear and consistent, to avoid any misunderstanding.

For OLAF-specific questions: OLAF-media@ec.europa.eu

PROTECTION OF PERSONAL DATA

OLAF’s daily work involves the processing of large amounts of personal data. OLAF is subject to Regulation (EU) 2018/1725. Data processing operations cover a wide range of activities from collecting to transfer and storage of data. A complete list of all the OLAF processing operations and the corresponding privacy statements is available at https://ec.europa.eu/anti-fraud/olaf-and-you/data-protection/olaf-personal-data-processing-operations-and-privacy-statements_en

OLAF staff dealing with investigations shall also be aware of the Commission Decision (EU) 2018/1962. The Decision lays out the conditions under which OLAF informs data subjects of any activity involving processing of their personal data and handles their rights of access, rectification, erasure, restriction of processing and communication of a personal data breach. The Director General of OLAF has adopted Instructions to staff on data protection for investigative activities (ISDP). These instructions specify data protection requirements applicable to all OLAF staff handling investigative activities. They focus in particular on describing all actions which must be taken by investigative staff in order to comply with those requirements during all stages of OLAF investigations and coordination cases, and related activities.

Advice on data protection can be obtained from the Data Protection Officer (DPO) of OLAF and the OLAF Legal Advice Unit.

DUTY OF CONFIDENTIALITY
Article 10 of regulation 883/2013 requires OLAF to respect the confidentiality of investigations.

Any unauthorised disclosure of investigation information can be detrimental to OLAF’s activities and may lead to proceedings for loss, against the Commission and the person responsible for the unauthorised disclosure.

The importance to preserve the confidentiality principle in OLAF’s activities is additionally defined and emphasised in relevant judgment of the Civil Service Tribunal of 2 May 2007 in Case F-23/05, Jean-Louis Giraudy v Commission.24

Additionally, OLAF must take measures to ensure that no information concerning OLAF investigations is leaked, given that such a leak constitutes a violation of the personal data protection obligations.25

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V. SAFEGUARDING COMMISSION PROPERTY AND APPROPRIATE USE OF IT EQUIPMENT

The Commission provides ICT services (email, Internet access, telephone, PCs, etc) to you, as a member of staff, first and foremost for professional purposes.

The Commission’s ICT services are provided for professional purposes. However, you may use these services for private purposes, provided that your private use is limited and reasonable.

In particular, make sure that your private use of the Commission’s ICT services:

- does not have a negative impact on your own work or the work of your colleagues;
- does not put the image and reputation of the Commission at risk;
- does not incur any significant expense for the Commission or tie up significant resources;
- is in line with the relevant legal and ethical obligations;
- does not include the storage of voluminous private multimedia files (sound, video) on the Commission’s equipment, even if you have the copyright over this material.

Sensitive information

You must protect sensitive information at all times when using the Commission’s ICT services, whether it belongs to the Commission or to third parties.

Any unauthorised disclosure of sensitive information constitutes a breach of the Staff Regulations.

Security rules

Both professional and private use of the Commission’s ICT services must respect security requirements. In particular, you must take reasonable safety precautions when accessing the Commission’s ICT services when you are offsite.
Control by the Commission
Be aware that the Commission monitors the use of its ICT services, in line with data protection legislation.

Infringement
In the case of suspected infringement, a Director-General may request the Security Directorate to open an investigation into the use of these services.

If the infringement is established, it may result in disciplinary follow-up.

VI. IMPORTANT INFORMATION FOR NEWCOMERS

Newly recruited permanent staff has to complete a "conflict of interest" form before recruitment. It is the duty of OLAF management to check if the new job raises a conflict of interest with the previous job before recruitment to OLAF and to decide if the job offer should be adapted as a consequence.

The "conflict of interest template" to be completed upon recruitment is provided by the AMC to the Head of the recruiting Unit/Directorate.

Trainees or external staff (prestataire, interimaire) need to sign a specific “statement of working ethics” to be collected by the secretariat of the recruiting Unit/Directorate.

All newcomers should enrol in an ethics training in order to be aware of the rules governing staff conduct and of the standards of ethics and integrity in the Commission. In addition of this mandatory training, OLAF staff is regularly invited to presentations on ethics topics.

Should you have any questions on ethics training you are invited to contact the OLAF training manager within AMC5 via the functional mailbox HR-AMC-BERL-TRAINING@ec.europa.eu.

VII. IMPORTANT INFORMATION FOR WHEN YOU LEAVE OLAF

Ethical obligations continue to apply to members of staff after the end of their contract with OLAF.

26 Ethics & Integrity for Newcomers (1 day course offered at central level or new e-learning module).
When leaving the Commission, Officials, Temporary and Contract staff will be requested to fill out a leaving form provided by DG HR that includes a specific section on ethics.

Some extracts from the Staff Regulations are indeed issued to staff leaving the service of the Commission in order that they are aware of their obligations after ceasing duties. They apply to officials and by analogy to temporary and contract staff. By analogy the same provisions apply to trainees and agency staff.

1. IN CASE OF TRANSFER

You should bear in mind that you will change AA, which means that all ethics requests will need to be made again in the new DG/institution. An exception is applicable to an income declaration linked to an external activity request which should be generated automatically by Sysper and will be addressed by the system to your new AA.

2. LEAVE ON PERSONAL GROUNDS - CCP

Upon request, an established staff member can be granted unpaid leave on personal grounds. This may be leave on personal grounds (CCP – Article 40 of the Staff Regulations) for officials, or unpaid leave for temporary and contract agents (Articles 17 and 91 of the Conditions of Employment of Other Servants).

At the moment they make a CCP request, staff sign a declaration in Sysper (see below).

Staff on CCP remain bound by the same relevant rules applicable to officials in active duty. For example, whilst on CCP you will need to request prior authorisation to:

- Engage in an outside activity during CCP – this request will need to be submitted yearly, at the same time with your CCP request and at any time you change jobs or you take on new assignments on top of already authorised outside activities.
- Receive gifts that could be connected to your previous employment in OLAF/the Commission. For further details on how to make such requests, please see section “C. Gifts and hospitality”.
- Publish or give speeches on EU matters. For further details on how to make such requests, please see section “Freedom of expression”.
- Give evidence in legal proceedings on issues related to your previous assignment in OLAF.
- Lobbying issue
3. **AUTHORIZATION TO CARRY OUT AN OUTSIDE ACTIVITY WHILE ON CCP**

Whenever a staff member plans to carry out a professional activity during a leave on personal grounds (CCP), prior permission must be obtained to avoid any possibility of a conflict of interest with the institution.

Certain rules applicable to staff concerning outside activities as regards the context of the activity are also applicable during a CCP. For a more detailed description on relevant conditions that apply in the case of CCP activities, please refer to the 'outside activities' chapter of this Guide.

The request must be sent via Sysper, at least two months before the start of the activity.

➤ Permission will NOT be granted to engage in such occupational activity, whether gainful or not, involving lobbying or advocacy vis-à-vis the institution, as this would lead to a (perceived) conflict of interest.

4. **CCP FOR PUBLIC APPOINTMENTS**

In the particular case of elected office or public appointments, CCP may cease to be a right and become a requirement.

Therefore, if a staff member is a candidate or elected and appointed to public office, they must notify the Appointing Authority. The Appointing Authority will then decide whether, in the interests of the service, the person concerned must apply for leave on personal grounds.

5. **RETURN FROM LEAVE ON PERSONAL GROUNDS**

As of 1 January 2014, the Appointing Authority and the authority empowered to conclude contracts of employment (AECE) will examine any actual or potential conflict of interest in relation to staff members returning from leave on personal grounds.

Furthermore, staff members returning from CPP or unpaid leave will have to inform the Appointing Authority/AECE of any such conflict of interest by filling in a specific form.

6. **END OF CONTRACT OR RETIREMENT**

At the end of your contract or when you leave or retire from the Commission you are strongly invited to read the relevant extracts from the Staff Regulations issued to staff leaving the service of the Commission in order to be aware of your obligations after ceasing duties.
At the same time you will need to sign a reminder on post service activities sent by unit HR B1 DEPARTS that will be filed in your personal file.

Furthermore, you will need to request prior authorisation every time you intend to:

- Engage in an external activity, whether gainful or not, within two years of leaving the service.

Pursuant to the Commission Decision N° 78-2013 of 19.12.2013 the aforementioned rule applies to contract staff (temporary agents and contract agents) only if they have had access to sensitive information due the course of their duties and due to the nature of their post within the Commission.

In addition to this rule, and as a special rule in OLAF, contract staff is considered to have had access to sensitive information (unless otherwise specified by the AA).

- Give evidence in legal proceedings on issues related to your previous assignment in OLAF.27

In particular, former staff members must "refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public".

Also, former staff members continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

OLAF Example: the AA might request the official to generally step aside from cases in which OLAF had carried out investigations, when the official concerned is called to deal with such cases in a subsequent career.

If the proposed activity is related to the work of the former official that was carried out during the last three years of service and could lead to a possible conflict of interests, the AA could:

- Forbid the official from undertaking that activity, or
- Impose specific conditions in the light of the particular circumstances of the case.

27 Article 19 SR
NOTE:

Former senior officials\(^{28}\) are not allowed in principle to engage, during the first twelve months after leaving the service, in lobbying or advocacy vis-à-vis their former Institution on matters for which they were responsible during their last three years of service. (Third paragraph of Article 16 of the Staff Regulations).

VIII. ADMINISTRATIVE AND DISCIPLINARY PROCEDURES

Article 86 (1) SR

Any failure by an official or former official to comply with his obligations under these Staff Regulations, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.

The key to avoiding a disciplinary procedure is to prevent a breach of ethics.

A disciplinary procedure is opened to establish the seriousness of the facts and to decide on the sanction to be imposed.

In cases where serious misconduct is alleged, the official may be suspended during the procedure.

Disciplinary procedures can be conducted with or without the involvement of the Disciplinary Board, which must be consulted if the Appointing Authority considers that a sanction with financial impact is appropriate.

The Commission’s Disciplinary Board is a consultative body consisting of members nominated by the Appointing Authority as well as by the Staff Committee. To ensure the independence of the Board, its president is chosen from outside the Commission. The term of office is for a maximum period of three years, and is renewable.

\(^{28}\) The term senior officials refers to officials occupying functions corresponding to the type of post of Director-General in grades AD16 or AD15 as well as those occupying functions corresponding to the type of post of Director in grades AD15 or AD14.
The Director of IDOC represents the Appointing Authority before the Disciplinary Board and has rights equivalent to those of the official concerned.

The Disciplinary Board assesses the relevant facts and recommends a sanction to the Appointing Authority.

Disciplinary sanctions
Disciplinary sanctions may be classified as follows:

**Without financial impact:**
- written warning
- reprimand

**With financial impact:**
- deferment of advancement to a higher step for a period up to 23 months
- relegation in step
- temporary downgrading for a period of between 15 days and one year
- downgrading in the same function group
- classification in a lower function group, with or without downgrading
- removal from post and, where appropriate, reduction pro tempore of a pension or withholding, for a fixed period, of an amount from an invalidity allowance

The decision imposing the sanction is kept in the personnel file. After three years in the case of a written warning or reprimand or six years in the case of any other sanction, the official may request that the sanction be removed from his/her file.

The sanction imposed should be commensurate with the seriousness of the misconduct. To decide on the sanction, all aggravating and mitigating circumstances, such as the repeated action or behaviour as well as the official’s behaviour throughout his/her career, are taken into account.

**Financial liability**

*Article 22* of the Staff Regulations stipulates that a member of staff may be required to make good, in whole or in part, any financial damage suffered by the Communities as a re-
result of serious misconduct on his/her part in connection with the performance of his/her duties.

Only serious personal misconduct, either deliberate or through gross negligence, can lead to the staff member being held financially responsible.

The Appointing Authority has the power to decide whether an official has to make good the damage suffered by the Commission following serious personal misconduct, and the power to fix the extent of the repair. Before taking its decision, the Appointing Authority will be advised firstly by the Panel for Financial Irregularities (PIF) and secondly by the Disciplinary Board.

If the damage was caused by gross negligence, the maximum amount to be compensated is limited to one year's salary.

The disciplinary procedure applies without prejudice of the criminal and civil procedures that may be carried out in case where the wrongdoings fall also under criminal and/or civil jurisdiction like for example in case of infringement of professional secrecy or corruption.

The general rights of staff for appeal before the Civil Service Tribunal in case of disciplinary sanctions also apply.

IX. WHISTLEBLOWING FOR OLAF STAFF

Whistleblowing is an obligation, whenever we come across facts that fall under article 22a SR.

**Article 22a SR**

Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Union, 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 Union, **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.[…]
In 2012, the Commission adopted Guidelines on Whistleblowing. In 2015, OLAF adopted a procedure in the context of EU staff members reporting in accordance with Articles 22a and 22b of the Staff Regulations. These rules apply to OLAF staff, including seconded national experts, trainees, interim staff and local agents.

**The main principles applying to whistleblowing are:**

1. Members of staff have an obligation to report serious irregularities, meaning illegal activities, including fraud and corruption and serious professional wrongdoings detrimental to the financial interests of the European Union.

2. Protection of identity: OLAF protects the identity of members of staff reporting illegal activity, in accordance with its procedure. This protection of identity applies whether protection against retaliation applies or not.

3. Special measures: OLAF will adopt ring-fencing measures where information is received from an OLAF member of staff.

4. **Protection against retaliation:** Members of staff who blow the whistle in good faith and use the right channels for disclosure will be protected from any adverse act or retaliation by the institution.

5. Complaints: A complaint is possible on the way officials were treated after or in consequence of the fulfilment by them of their obligations under Articles 22a and 22b of the Staff Regulations.

**1. WHAT IS THE PROCEDURE TO BLOW THE WHISTLE?**

The procedure for OLAF staff is as follows:

- **First option:** You may report serious irregularities that may have occurred or may be occurring in writing to either your manager or the Director General of OLAF.

- **Second option:** If there is a concern that this disclosure may lead to retaliation or that the intended recipient of the report is personally implicated in the serious irregularities you are intending to disclose, you may report serious irregularities to the Secretary General of the Commission. Before making use of the second option staff may consider approaching a local ethics correspondent or IDOC to seek advice on procedure.

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*Communication from VP Šefčovič to the Commission on Guidelines on Whistleblowing – SEC(2012)679 of 6 December 2012*

OLAF or the Commission must give the whistleblower an indication of the period of time that it considers reasonable and necessary to take appropriate action within **60 days** after receiving the information.

If neither the Commission nor OLAF has taken appropriate action within a reasonable period, the OLAF staff member who reported the allegedly illegal activity or serious professional wrongdoing has the right to bring his or her concerns to the President of the Council, the Parliament or the Court of auditors, or to the European Ombudsman.

Should you need advice about the whistleblowing rules, you may approach HR. E.3 via the functional mailbox HR ETHICS

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### X. HARASSMENT

The Commission does not countenance harassment, in line with the Staff Regulations (Article 12a). In the work environment, the Staff Regulations distinguish between two particular types of harassment – psychological and sexual – and the Commission has a specific policy to deal with such cases (Decision (C (2006)1624/3/def.).

#### 1. PSYCHOLOGICAL HARASSMENT

Psychological harassment covers all forms of **sustained, intentional, abusive behaviour**, whether this is repetitive or systematic conduct, words, acts, gestures or writing which may **undermine the personality, dignity or physical or psychological well-being of a person**. It comes in many different guises: bullying, antagonism, pressure, offensive behaviour, even refusal to communicate - all examples of unacceptable behaviour which may, in isolation, appear of little consequence. When occurring on a regular basis, however, these kinds of behaviour can cause serious harm to the person against whom they are directed.

The following list is not exhaustive but it is designed to give you an idea of what might be perceived as psychological harassment:

- offensive or degrading comments, particularly in public, bullying, antagonism, pressure, offensive behaviour, even refusal to communicate;
- insults relating to someone’s personal or professional competence;
- abusing or threatening remarks, both oral and written;
- belittling someone’s contributions and achievements;
- being isolated, set apart, excluded, rejected, ignored, disparaged or humiliated by colleagues;
- impairing someone’s social relations;
- setting clearly unattainable individual objectives;
2. SEXUAL HARASSMENT

Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of men and women at work. This can include any unwelcome verbal, non-verbal or physical behaviour. The essential characteristic is that it is unwanted by the recipient.

3. WHAT DOES NOT GENERALLY CONSTITUTE HARASSMENT

Staff members should not consider as harassment:

- allocating work;
- following up on work absences;
- requiring performance to job standards;
- taking disciplinary measures;
- a single or isolated incident such as an inappropriate remark or abrupt manner;
- a commanding style which is not necessarily motivated by an intention to destabilise anyone and does not target one person in particular.

Managerial duties in themselves, such as coaching or counselling an employee, allocating tasks, providing a performance review, dealing with staff relations matters and implementing disciplinary measures, are not harassment. However, these actions might appear to qualify as harassment if they are carried out in a manner that is offensive, humiliating or embarrassing rather than in a constructive and sensitive manner.

To determine whether the conduct is offensive, managers should ask themselves, "Would a reasonable person have known or thought that the conduct was offensive?" or alternatively "Would I accept to be treated in the same manner by my own direct supervisor?"

4. WHAT ABOUT INAPPROPRIATE BEHAVIOURS?

Isolated incidents and occasional behaviours that do not constitute harassment by the definition but are inappropriate have to be avoided.

To name but a few:
• shouting at another person: if you lose your temper and shout at someone, then apologise immediately;
• teasing a colleague even when you see it is not welcome;
• ridiculing a colleague’s beliefs or habits in public or making fun of his/her way of thinking, dressing or his/her hobbies;
• gossiping behind the back of colleagues instead of having a frank and open discussion on what makes you feel uncomfortable in this colleague’s attitude or deeds;
• generalising on people or circumstances you have not witnessed yourself;
• generalising on supposed main characteristics of a specific cultural national background.

5. DISTINCTION BETWEEN HARASSMENT AND CONFLICT

A conflict usually takes place at just one point in time, it is a disagreement between two persons where neither gives up his/her stand and each of them tries to defend it and expresses his/her views. Conflict usually ends in solution.

In cases of harassment, there is often a relationship of subordination and power. The victim usually has no way to defend himself/herself and often remains isolated and quiet. Harassment may last for months and in general only gets worse.

6. HARASSMENT PROCEDURES

In front of a difficult professional situation, staff members may request assistance through the informal procedure (network of confidential counsellors or mediation service) or through the formal procedure (HR.E.2 or HR.IDOC).

Staff in a difficult situation looking for assistance from the institution can request assistance either informally or formally.

The informal procedure

As a first step, staff members are strongly advised to seek resolution of the problem through conciliation. The "informal procedure" provides support and someone to speak to in strict confidentiality: confidential counsellor or EC SERVICE DE MEDIATION

If necessary emergency measures can be taken (such as a quick transfer in the interest of the service).
There are different paths open to someone who feels they need assistance under the informal procedure. It provides follow-up and may lead to an amicable resolution of the conflict but it does not involve any formal qualification of the case or sanctions.

**Essential principles** of the informal procedure:

- presumption of innocence;
- confidentiality in all procedures;
- non qualification of facts and no judgement or accusation within the context of the informal procedure (i.e. support to alleged victims, search for amicable solutions and conciliation);
- no action undertaken without the prior consent of the person concerned (except in situations where the person is in danger or in cases of sexual assault or suicidal behaviour);
- moral obligation for all colleagues to signal abusive behaviours to the competent services or testify in enquiries.

For more information about the mediation service of the Commission, contact: EC SER-VICE DE MEDIATION

**The formal procedure**

**File an appeal**

Any staff member who feels harassed may request formally the assistance of the administration via Art. 24 and 90 of the Staff regulations. The formal procedure can be undertaken directly or after an informal procedure which did not lead to a solution.

**Follow up to appeal**

Depending on the outcome of the appeal, the Appointing Authority may or may not give a mandate to the investigation and disciplinary Office of the Commission (IDOC). A mandate means that IDOC carries out an administrative inquiry.

Depending on the outcome of the inquiry, IDOC proposes to the Appointing Authority either that the case be closed without further action or that disciplinary proceedings be opened.

For more information about the formal procedure: HR.E.2 – “Appeals and case monitoring” Unit and Investigation and Disciplinary Office (HR.IDOC).