



Commission  
européenne

# Termination of service of temporary staff members

Practical Guide  
2019

SG  
DG HR  
Paymaster's Office

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## 9. ETHICAL OBLIGATIONS AFTER LEAVING SERVICE

After leaving the service, former officials and staff remain **subject to certain ethical obligations**.

### *9.1 Occupational activities*

Staff must 'behave with integrity and discretion as regards the acceptance of certain appointments or benefits' without any limit in time (Article 16(1) SR).

Under Article 16 (2) SR, staff members intending to engage in an occupational activity – paid or unpaid – **within two years** of leaving the service, must inform the Commission. If the activity relates to work carried out during **their last three years of service** and could lead to a conflict with the legitimate interests of the Commission, the Appointing Authority can condition its approval, or even forbid the activity.

The Appointing Authority has **30 working days** to notify its decision. Absence of notification by the end of this period is deemed to constitute implicit acceptance.

These rules apply to all staff members. Exemptions from the obligation to inform the Commission have been introduced, if taking up a post in an EU institution or body (support to inter-institutional mobility) or for a limited list of activities that meet the following cumulative criteria: 1) non-remunerated 2) carried out in staff's personal capacity and 3) do not give rise to lobbying and advocacy (notably charitable, teaching, well-being, sport, cultural or political activities).

For senior officials (e.g. Heads of Cabinets<sup>13</sup>) there is an explicit prohibition, in the twelve months after leaving the service, to engage in lobbying or advocacy vis-à-vis the staff of their former Institution on matters for which they were responsible during the last three years in the service.

Requests are made by means of a form that is available here:

<https://myintracomm.ec.europa.eu/staff/EN/staff-conduct/individual-obligations/outside-activity/Pages/after-leaving.aspx>

### *9.2 Unauthorised disclosure of information received in the line of duty*

Former officials and staff must also at all times and without limitation in time 'refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public', (Article 17 SR). This provision echoes that in the TFEU, Article 339, '(...) the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.'

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<sup>13</sup> In the meaning of the provision (Article 16(3)), 'senior officials' refer to: Directors-General or Deputy Directors-General and Advisors "Hors Classe"; Directors, Principal Advisers; Heads of Cabinet.

### *9.3 Legal proceedings*

If former staff members are called on to give evidence in legal proceedings related to their work, they must request **prior authorisation from the Appointing Authority**. However, the provision does not apply for giving evidence before the Court of Justice or before a Disciplinary Board of one of the EU institutions on a matter concerning a servant or former servant of the EU.

### *9.4 Disciplinary consequences*

Infringements of these rules can have disciplinary consequences (Article 86 of the SR).

### *9.5 Practical arrangements*

In practical terms, staff members leaving the service must sign an ethics declaration (provided by the Appointing Authority).

The declaration states that staff are aware of their continuing obligations to the Commission (in particular under Articles 16, 17 and 19 of the SR), and in particular that staff leaving the service:

- 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; in this context they also may not take with them any (copies of) documents relating to their activities and responsibilities which they have received or drawn up or to which they had access while working for the Institution;
- Continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

## 12.1 STAFF MEMBERS' ETHICAL OBLIGATIONS AFTER LEAVING THE COMMISSION



### THIS PRESENTATION

-  PUBLIC ATTENTION
-  OCCUPATIONAL ACTIVITIES AFTER LEAVING THE SERVICE
-  CONFIDENTIALITY
-  LEGAL PROCEEDINGS
-  DISCIPLINARY CONSEQUENCES

2



### Public accountability and citizens' trust



Certain ethical obligations still apply **after leaving the service**

**High level of scrutiny**  
NGOs, media, EP, Ombudsman, citizens, in particular on possible conflicts of interest

**Access to documents** requests on activities of former staff

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### Occupational activities after leaving the service (1)

- Staff **continue** to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits (Art 16 (1) SR)
- Within **2 years of leaving the service**, obligation to **declare to the institution any occupational activity**, whether gainful or not (Art 16 (2) SR)
- If the activity relates to work carried out during **their last three years of service** and **could lead to a conflict with the legitimate interests** of the Commission, the AA can **condition its approval**, or even **forbid** the activity



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## Occupational activities after leaving the service (2)

- **All Staff members** are subject to this rule
- The Appointing Authority has **30 working days** to notify its decision
- **No obligation to declare the post-service occupational activity if:**
  - Taking up a post in an EU institution or body (support to inter-institutional mobility)
  - The activity is part of the limited list of non-remunerated activities carried out in staff member's personal capacity and that do not give rise to lobbying and advocacy (notably charitable, teaching, well-being, sport, cultural or political activities)

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## Occupational activities after leaving the service (3)

### *Restrictions imposed*

- **For senior officials: explicit prohibition in the Staff Regs, in the twelve months** after leaving the service, to engage in **lobbying or advocacy vis-à-vis the staff of their former Institution** on matters for which they were responsible during the last three years in the service
- Examples of other possible restrictions:
  - prohibit the former staff member from dealing with files, cases or matters related to the work carried out by him or her during his or her last three years of service, including related or subsequent cases and/or court proceedings; and/or
  - impose a ban on professional contacts with former colleagues

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## Confidentiality

To refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public, even after leaving the service (Article 339 TFEU + Article 17 SR)



**Publications** from former staff members having left the Commission:  
- No obligation to notify the publication to the AA (Article 17a SR)  
- Confidentiality obligation remains



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## Legal proceedings : Article 19 SR

Even after leaving the service, an official shall not, without permission from the appointing authority in any legal proceedings disclose information of which he has knowledge **by reason of his duties**.



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## Enforcement of the rules: Article 86 of the Staff Regulations

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



9



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL HUMAN RESOURCES AND SECURITY

**Reminder to the staff leaving the service of the Commission**  
**concerning the protection of confidential documents, information and post-service activities**

The following extracts from the Staff Regulations are 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.

**Article 16**

An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits. Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform by means of a specific form their institution thereof<sup>1</sup>. The Appointing Authority shall notify its decision within 30 working days of being so informed. The new activity should not start before the authorization is given. If the activity cannot be notified within 30 working days before the starting date of the envisaged activity, DG HR.E3 should be informed using the email address below indicated.

Former senior officials are in principle not allowed during the 12 months after leaving the service to engage in lobbying or advocacy vis-à-vis staff of their former institution on matters for which they were responsible in their last three years of service. For convenience, you will find attached the form to be filled out either in English or French.

**Article 17**

1. An official shall 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.

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

*It should be noted that in accordance with this article, staff leaving the service of the Commission may not take with them any (copies of) documents relating to their activities and responsibilities which they have received or drawn up or to which they had access while working for the Institution.*

**Article 19, par. 1**

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 Union 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.

These Articles should be read in conjunction with Article 86, which reads as follows:

- "1. 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.
2. Where the Appointing Authority or OLAF becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to verify whether such failure has occurred.
3. Disciplinary rules, procedures and measures and the rules and procedures covering administrative investigations are laid down in Annex IX."

Received and noted.

Name and forename(s): ..... (Personnel number: .....)

Date: .....

Signature: .....

**FOR ANY QUESTION ON THESE OBLIGATIONS PLEASE CONTACT DG HR.E3 at [HR-ETHICS@ec.europa.eu](mailto:HR-ETHICS@ec.europa.eu)**

**Please SEND this form dated and signed to Personal files by post only:**

- Brussels – European Commission, Personal Files, Rue de la Loi, 200, B-1049 Brussels, SC-11 03/063
- ONLY for Staff JRC – ARCHIVE Personal files TP-64 21027 Ispra (VA) Italy

<sup>1</sup> According to the Commission Decision C(2018) 4048 final of 29.6.2018 "Taking up employment at a European Union institution or body in the meaning of the Treaty on European Union and/or the Staff Regulations does not trigger the obligation to inform the Commission [...] as engaging in this activity does not lead to leaving the service of the Union for the purpose of applying Article 16, second





EUROPEAN COMMISSION

DIRECTORATE-GENERAL

HUMAN RESOURCES AND SECURITY

Directorate HR.E - Legal Affairs & Partnerships

Ethics & Ombudsman

Please fill electronically or  
in capitals and return to  
HR.E3

[HR-ETHICS@ec.europa.eu](mailto:HR-ETHICS@ec.europa.eu)

European Commission

MO34 04/008

B - 1049 Brussels

**Declaration of the intention to engage in an occupational activity**  
**after leaving the service of the Commission**  
**Article 16 of the Staff Regulations/Articles 11 and 81 of the Conditions of**  
**Employment of Other Agents**

**BEFORE FILLING THE DECLARATION, PLEASE CHECK WHETHER YOU NEED TO INFORM THE APPOINTING AUTHORITY:**

There is no need to inform the Appointing Authority in the following situations:

1. Taking up employment at a **European Union institution or body** in the meaning of the Treaty on European Union and/or the Staff Regulations (i.e. including Agencies).
2. Engaging in the **following activities** provided that :
  - o they do not give rise to lobbying or advocacy vis à vis staff of your former Institution
  - o are not remunerated
  - o are carried out in your personal capacity
  - *any unpaid activity that has no link with the activities of the European Union, is carried out in a purely private capacity, and is undertaken from time to time only, upon need, in particular:*
    - (i) charitable and humanitarian activities;
    - (ii) activities relating to sport or wellbeing;
    - (iii) activities deriving from political, religious, trade unionist and/or philosophical convictions;
    - (iv) 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.*

Activities giving rise to lobbying or advocacy are defined in the Transparency Register established pursuant to the Inter-institutional agreement on this matter between the European Parliament and the Commission of 16 April 2014 (see Title III "Scope of the register"). For the purpose of this form, lobbying and advocacy activities vis-a-vis the Commission includes all activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the Commission, irrespective of where they are undertaken and of the channel or medium of communication used.

**The former official or other servant**

Name and first name: .....  
Personnel No..... Function Group/grade/step: .....  
Position (Director General, Director, Head of Unit, etc.): .....  
Date of leaving the Commission: .....  
Address: .....  
Telephone: ..... Fax: .....  
Email : .....

Are you receiving or will you receive any pecuniary benefit from the Commission after leaving? If so, of what sort? <sup>1</sup>

Describe your work during the last three years of service? State the DG(s). .....  
.....  
.....

**New activity**

Name of the body: .....  
Address: .....  
Telephone: ..... Fax: .....  
Email: .....  
Nature of its activities: .....  
.....

Does this body receive funding from the European Commission?

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

Precise description of the work:

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

Expected duration of the work: .....  
Expected starting date of the work: .....  
Position in the body: .....  
Will you be an employee in the body? .....  
a shareholder in the body? .....  
self-employed? .....

<sup>1</sup> If you receive an invalidity allowance, a form relating to Art.13 (2), Annex VIII of the staff regulations concerning the details on the activity after leaving the service will be provided to you.

Will you receive remuneration or other pecuniary advantages? If so, please specify

.....

Does the body for which you wish to work have direct or indirect commercial, financial or contractual links (including grants) with a European Union institution (in particular the Commission) or body? If so, please specify: .....

.....

.....

During your work at the Commission, did you have any direct or indirect relations with the body for which you wish to work<sup>2</sup>? If so, please specify: .....

.....

.....

.....

Will your new activity have direct or indirect links with:

- your former service? .....

- other Commission services? .....

If so, please specify: .....

.....

.....

.....

.....

Other relevant information: .....

.....

.....

I have complied with the provisions of Article 11a of the Staff Regulations at all times while in active service, including when negotiating the terms and conditions of the envisaged activity while being in active employment.

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

If you ticked "NO" or have a doubt, please contact Unit HR.E3

Article 11a of the Staff Regulations

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

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

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

<sup>2</sup> State in particular whether you were engaged in preparing financial and/or contractual relations.

(Place): ..... (date): .....

Signature: .....

You may attach any document you consider will demonstrate that your new activities or duties are compatible with those you exercised at the Commission.





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