NOTE TO THE FILE

Subject: Ethics Guidance for Staff

At this stage the ethics related guidance for staff is as follows:

(1) Ethics is part of the second of 16 Internal Control Standards applicable in the EEAS. This means that ethical standards are considered a main feature allowing for sound financial management and adequate behaviour of staff. The standard imposes on management a yearly message to staff reminding the ethics aspects and providing easy reference to applicable texts. (example in the annex)

Management and staff are aware of and share appropriate ethical and organisational values and uphold these through their own behaviour and decision-making.

(2) Information available on the intranet: on the front page of the EEAS intranet there is an icon for ethics. This icon links the EEAS website to the Commission's intracomm page on ethics (accessible to all staff in Headquarters and delegations):
http://myinfracomm.ec.testa.eu/hr_admin/en/ethics/obligations/conflicts_interest/Pages/gift.aspx

(3) The annex provides a copy of the text on gifts; other pages are available on all aspects of ethics, favours, conflicts of interest, external activities, activities after leaving service, activities during leave on personal grounds, standing for public office.
(4) Bubble Guide project: the EEAS is currently creating a guide of procedures, in which a fact sheet on ethics will complement the applicable procedures.

Stefan Alois HUBER
The EBAS, as well as the European Commission and its services, are working under the permanent scrutiny of different institutions and authorities (EP, CIGOC, Court of Auditors, internal Control, GLAF, etc.) as well as the public.

In this context, it is of utmost importance that the EBAS and Commission staff live up to the highest standards of conduct and ethics. Your are advised to consult at least once a year the EBAS and the administrative duties related to conduct and ethics. To find out more about these issues, please refer to the following documents on the respective webpages:

1. In the case of issues regarding administrative and management, please refer to the "Administrative Regulations and Procedures" at https://ec.europa.eu/aeu/adv gestión/biblioteca/reglamento-administrativo/index.aspx
2. EBAS Internal Control and Ethics Unit: https://ec.europa.eu/aeu/adv gestión/biblioteca/etica-interna/index.aspx

The success of the efforts to turn the European External Action Service into a fully integrated diplomatic service, to become more politically involved and more professional, depends on our own behavior and on each individual's contribution. In order to be able to tackle difficulties related to our daily work (including administration, financial management, etc.), it is part of our job to signal such difficulties without delay. This is all the more important for any learning issues.

If you have questions on these rules, please contact the EBAS or the HMA.

Yours,

[Signature]

Ambassador [Name]
European External Action Service
Head of Delegation
Delegation of the European Union to Japan
1-5-12 Hibiya, Chiyoda-ku, Tokyo, 100-0005
Tel: +81 3 5205 0400
Fax: +81 3 5205 0401
Email: [Email Address]
APPLICATION FOR AUTHORISATION TO ACCEPT

A GIFT OR FAVOUR

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

APPLICANT

SURNAME/FIRST NAME: ………………… Personnel No:……..…… Grade:

Administrative status: official/temporary staff/contract staff/auxiliary staff
Office address:………………………………………………………… Tel.:………………………….
MD, Directorate, Division, Delegation: …………………………………………………………..

Description of duties:………………………………………………………………………………

SUBJECT OF THE APPLICATION

I have received/I request permission to receive the following gift or favour……………………………………………………………………………………………………………………………………………………………………

(other gifts or favours received from the same person/organisation during the past year)

I believe that it would have caused/would cause offence to refuse this gift or favour because:……………………………………………………………………………………………………

and that by accepting it I am not in any way compromising my independence or my ability to carry out my duties exclusively with the interests of the EEAS in mind, for which reasons I am requesting permission to accept this gift.

SIGNATURE: ……………………………………………………………DATE: …………………

OPINION OF LINE MANAGER
**APPOINTING AUTHORITY DECISION**

**APPLICATION ACCEPTED/REJECTED**

<table>
<thead>
<tr>
<th>SURNAME/FIRSTNAME:</th>
<th>POSITION:</th>
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<td>SIGNATURE:</td>
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*Copy of the decision to be sent to Division C.1, CHAR 15/47*
1. Gifts/hospitality

2. Legal basis

As stipulated in the Staff Regulations (Article 11), you should not accept gifts, favours or payments from governments or any other source outside the institution without obtaining prior permission from the Appointing Authority. Note that these rules also apply to former staff if the gift/favour/donation has any link with their work at the Commission (Staff Regulations, Article 16, 1st paragraph).

3. Rules

It should be stressed that as a general rule, staff members should not accept any direct or indirect gifts or hospitality offered by third parties. Criteria to be considered in this context are, in particular, if the acceptance of the gift or hospitality is counter to the interest of the service or presents a real or perceived conflict of interest for the staff member concerned, or if such acceptance would be in accordance with diplomatic and courtesy usage. When deciding on such matters, the Appointing Authority takes into consideration the following factors:

- The nature of the source which offers the gift/hospitality
- the apparent motive behind the offer of the gift or hospitality
the link between the entity offering the gift or hospitality and the Commission

the possible consequences for the Institution's interests

the nature and estimated value of the gift or hospitality, including whether there have been one or several offers from the same source;

the individual or collective destination of the offer;

the functions of the staff member

the benefits for the service expected from the participation of the staff member at the event in question

4. Specific provisions related to gifts

Prior permission by the Appointing Authority is presumed to be granted for a gift worth up to €50.

Explicit prior permission by the Appointing Authority is required for a gift worth between €50 and €150.

Authorisation for gifts with a higher than €150 value will be refused by the Appointing Authority.

Offers of any sum of money must always be refused by the staff member.

In this respect it is important to stress that this threshold does not mean that any staff member may consider himself or herself at liberty to accumulate a number of gifts below the set value, bearing in mind that an accumulation may be seen to compromise the staff member’s objectivity and independence, or may damage the Commission's public image. Only if it can be clearly demonstrated to be in the interests of the Commission will approval be given to accept gifts in kind, particularly trips or excursions organised by third parties which require you to be absent from work. Commissioners shall not accept any gift with a value of more than EUR 150. When, in accordance with diplomatic usage, they receive gifts worth more than this amount, they shall hand them over to the Commission's Protocol department (code of conduct for Commissioners).

5. Specific provisions related to hospitality

Prior permission by the Appointing Authority is presumed to be granted:

of hospitality in the form of lunches or dinners strictly linked to the function of the official, and as such not prejudicial to the interests and public image of the Commission, and in which the official participates in agreement with his hierarchy and in the interest of the service;

of occasional offers of simple meals, refreshments, snacks etc.

Explicit prior permission by the Appointing Authority is required in cases not covered by the previous heading, or if the staff member judges that there is a doubt as to
the appropriateness of accepting or refusing a hospitality offer. If prior authorisation is not feasible, the Appointing Authority's agreement should be sought as soon as possible subsequent to the event. In any event the official's immediate superior should be informed.

Hospitality offered during a mission: the mission order will as a rule cover all predictable offers of hospitality, based on the mission programme – notably meals, accommodation and transport. The acceptance of these offers will then be declared in the mission expense statement.

6. What should you do?

The requests for prior permission should be introduced in Sysper2. If the AA refuses authorisation or if you refuse the gift, the latter should be returned to the source with an accompanying letter if possible or to OIB: OIB.OS.1 - DAV 1 1/255. These presents, as well as the refused presents which could not be returned to sender, will be allocated to a charitable work chosen by OIB.

7. Your appointing authority

Your Director-General if you are:

- Deputy Director-General or equivalent (DDG)
- "Hors classe" adviser or equivalent (HCA)
- Director or equivalent (D)
- Chief adviser or equivalent (CA)
- Adviser or equivalent (AL)
- Unit head or equivalent (UH)
- Administrator or equivalent (ADM)
- Assistant or equivalent (AST)

Member of the Commission responsible for personnel if you are:

- Director-General, Head of Service or equivalent (DG)

8. Contact person

For more information, please contact your Ethics correspondent.

9. Relevant legislation

- Article 11 of the Staff Regulations.
- Articles 11, 54, 81 and 124 of the CEOS
• Specific privacy statement
10. Ethics and staff conduct

New

Communication from the Vice-President Šefčovič to the Commission on Guidelines on Gifts and Hospitality for the staff members SEC(2012) 167 final - fr - de

In order to provide a concise, practical and holistic overview of the various issues involved in ethics and conduct for staff, DG HR has produced a Practical Guide to Staff Ethics and Conduct.

DG HR is examining different aspects of how the Commission's ethical rules are applied through a series of working groups. This Guide will be updated, where necessary, to take account of this work.

Your attention is drawn in particular to your individual obligations as a member of staff with regards to:

- gifts and favours
- decorations and honours
- spouse's or partner's professional activities
- personal interests
- external activities
- activities after leaving service
- activities during CCP
- standing for public office
- election or appointment to public office

For more detailed information on specific issues, the Guide provides, wherever possible, links to sources of further information, including a number of relevant webpages on Myintracomm and other relevant sites (SG, BUDGweb, etc.).

- For our ethical principles, see the draft version of Statement of Principles of Professional Ethics
- The Guide - (fr, de) is also available in PDF format.
- Professional ethics - Case studies - Examples
- For your DG's Ethics Correspondent, see: list of Ethics correspondents

11. See also ▲
• Communication from Vice-President KALLAS to the Commission on Enhancing the Environment for Professional Ethics in the Commission (fr, de) - SEC(2008) 301 final;

• Commission en plus No. 494 (page 1, page 2) dated 17/10/2008: Contacts with interest representatives - Guidelines for staff;

• Commission en plus No. 493 dated 10/10/2008: Ethics Correspondents - local sources of help and advice;


Legislation
Staff Regulations
Code of Good Administrative Behaviour