

ETHICS GUIDELINES FOR DG MARKT STAFF

A User's Guide to the Existing Ethics Rules & Regulations

INTRODUCTION

Maintaining high ethical standards is a priority issue for our DG. It is important in retaining the legitimacy of Single Market policymaking and in protecting the Commission's interests and reputation. Ethics rules are not, therefore, a bureaucratic 'extra'. Maintaining appropriate standards of behaviour lends credibility to our work and can protect the Commission and its staff from any malicious allegations or misrepresentations.

Ethical behaviour flourishes in an environment where leadership is provided by example and there is a spirit of encouragement and support amongst the staff to meet the highest ethical standards. In most cases, ethics issues can best be handled with a mixture of common sense and open communication. A conflict of interest (for example an official being assigned to an infringement case involving a firm in which she/he has some personal interest) is not in itself an offence. It may only become so if not handled appropriately¹. It is very important that all staff are well acquainted with the Commission's rules on ethics. Implementing these rules falls under your responsibility as a member of Commission staff. You should also be aware of the fact that breaches of the obligations set out in the Staff Regulations and its implementing provisions can be subject to disciplinary action. Staff may also be held personally financially liable for their actions in some instances.

The goal of these ethics guidelines is not to create new rules for staff. We aim to clarify the existing rules on ethics and integrity in the Staff Regulations, and assist staff in better understanding those rules which are most relevant to their daily work². These guidelines therefore highlight some aspects of the Staff Regulations and other relevant documents³, setting out some general principles, providing references to the Staff Regulations and some practical advice. The guidelines have been drafted in consultation with DG HR, the Secretariat General and the Legal Service, taking into account accepted practice in the application and interpretation of the Staff Regulations and other relevant texts, as well as relevant case-law⁴. The guidelines apply to all staff in DG MARKT, regardless of grade or category.

You will note that there are frequent references in the text to the "Appointing Authority" (AA). The Commission delegates authority in personnel matters to different levels of senior and middle management. These managers are the faces behind the "Appointing Authority". In general terms, the situation is that for procedures concerning gifts, favours, external activities of officials in active employment, publications and speeches on professional and EU matters, the Appointing Authority's powers are exercised by senior management in DG MARKT. In other cases, these powers are exercised by DG HR⁵.

These guidelines also make reference to forms that should be filled out by staff in accordance with DG HR's rules implementing the Staff Regulations. We have therefore included in Annex A all relevant links to direct you to the appropriate forms to be filled out, when required to do so by DG HR rules, and also links to some more detailed sources of information on ethics issues. For some processes, such as approvals of external activities, requests should be processed via the recently developed Ethics module in Sysper2. As further modules are under development in Sysper2, we expect to move to paperless processing of all ethics requests in the near future.

¹ Please see Section I for further details.

² These guidelines, however, do not alter the Staff Regulations or provide a binding interpretation of them. They are based on interpretations of the Staff Regulations reflecting the case law of the Community courts and the practice of DG HR as Appointing Authority. DG MARKT staff cannot therefore invoke these guidelines as an excuse for not having complied with the Staff Regulations.

³ e.g. Commission Decision on outside activities and assignments: C(2004) 1597/10 of 28 April 2004:

⁴ The guidelines will be subject to regular updates.

⁵ For more information on the Appointing Authority, consult DG HR's Intracomm website:

For any questions or clarifications relating to either the ethics guidelines or security and integrity issues, please contact Matthew King in Unit A1, or the Ethics Correspondent of the DG⁶(Alvaro de Oña in unit A1).

In order to ensure that all staff members are aware of the contents of these guidelines, Unit A1 and the Internal Audit Capability are visiting units to discuss the guidelines and ethics issues in general. The aim is to visit all units on a rolling basis over a period of two years.

⁶ It should be noted that the Communication on "enhancing the environment for professional ethics in the Commission (SEC(2008) 301) of 5 March 2008 states clearly that, "when dealing with queries from staff the ethics correspondent acts in confidence".

A. ETHICS GUIDELINES

I. DEALING WITH CONFLICTS OF INTEREST

Your conduct must be professional and impartial at all times. You should not be biased in favour of any third party⁷.

Take steps to avoid dealing with matters in which you have a personal stake that could impair your independence and, by extension, the Commission's interest. Be especially vigilant in this regard with respect to your contacts with outside parties who may have an interest in the DG's policymaking process. One of the most common causes of conflict of interest is the holding of financial interests. Article 11a(1) of the Staff Regulations forbids staff from dealing with any matter in which they have a financial or family interest. **In order to enhance awareness of this point, all AD and AD equivalent staff⁸ in DG MARKT will be required to sign an annual declaration on conflicts of interest (see template at Annex B⁹).** The Ethics Correspondent of the DG will keep a record of these annual declarations.

A conflict of interest could arise in a number of ways. A non-exhaustive list of examples where such conflict could arise includes the following:

- you have a financial interest (e.g. a shareholding) in a company that is participating in a procurement process that you are involved in;
- you have a financial interest in a company that could be affected (either positively or negatively) as a result of an infringement procedure that you are involved in;
- you have family ties or personal friends in an industry for which you have policymaking role;
- you have private information at your disposal which may unduly influence your impartiality either as regards the policymaking process, a procurement or grant award process, or an infringement procedure.

Where a conflict of interest comes to light that you have previously failed to declare, it could give rise to a reasonable doubt as to whether you have acted impartially in the best interests of the Commission.

You should therefore notify any situation of possible risk of conflicts of interests, even an appearance of conflict of interests. Where you have any financial or family interests, or any other personal interests or affiliations, that could be considered to give rise to a conflict of interest with your Commission duties, you should immediately inform the Appointing Authority (in this case the Director-General of DG HR). You are requested to do this by filling in a special declaration form¹⁰. If you have doubts or need assistance, you should discuss the matter with your superior and/or the Ethics Correspondent of the DG.

You should also avoid becoming involved in any part of a procurement or grant award process where you have a personal stake or any other interest (e.g. family interest) in any of the

⁷ See also the Code of good administrative behaviour for staff of the European Commission in their relations with the public: "Staff shall always act objectively and impartially, in the Community interest and for the public good. They shall act independently within the framework of the policy fixed by the Commission and their conduct shall never be guided by personal or national interest or political pressure".

⁸ AD equivalent staff are Seconded National Experts, Temporary Agents and Contract Agents in function group IV. Heads of Unit may also decide on a case-by-case basis whether AST or AST equivalent staff in their units should be required to sign the declaration, depending on their participation in e.g. procurement procedures or infringement cases.

⁹ The annual declaration form for DG MARKT staff is available at annex B and on the intranet at. This declaration is without prejudice to the official's obligation to identify and declare any specific situation of conflict of interest as foreseen under Art 11a of Staff Regulations.

¹⁰ The declaration form can be obtained via the following link: . Once filled in, it should be returned to unit HR B3.

potential beneficiaries. If you are involved in a procurement or grant award process, be aware of and respect all relevant provisions of the Financial Regulation and its implementing measures, as well as the financial circuits applicable inside DG MARKT.

There are also specific rules to observe with regard to your spouse's or partner's professional activities. If your spouse or partner is in gainful employment you must inform the Appointing Authority (in this case, the Director-General) by filling out the appropriate form¹¹. The form is to be signed by your superiors who are required to give their opinion on whether the professional position of your partner could impair your independence. Depending upon the circumstances of the case, you may be transferred to other dossiers, or if necessary, to another post.

If you find yourself under pressure from political groups or a national government, it is your duty to inform the hierarchy about such situations and to take the necessary measures to avoid your independence being compromised.

More generally, it goes without saying that DG MARKT staff should not under any circumstance make a profit or assist others in making a profit from confidential or unpublished information that comes into their possession in the performance of their duties. Please see "Integrity and Security Issues" (Section XII) for further discussion and guidance on handling sensitive information.

You should also be aware that insider dealing (profiting through the acquisition or sale of securities from non-public information, or encouraging others to do so) is illegal. Insider dealing is defined in the Market Abuse Directive¹². It constitutes a criminal offence in Belgium, carrying penal sanctions.

Article 11a of the Staff Regulations establishes an obligation for all staff to avoid situations of conflict of interest in the performance of their duties. Paragraph 1 of this article reads, "an official shall not, in the performance of his duties 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."

Article 13 of the Staff Regulations states that, "should the nature of the [spousal] employment prove to be incompatible with that of the official and if the official is unable to give an undertaking that it will cease within a specified period, the Appointing Authority shall, after consulting the Joint Committee, decide whether the official shall continue in his post or be transferred to another post".

II. CONTACTS WITH LOBBYISTS AND OTHER STAKEHOLDERS

Commission staff members have wide discretion in deciding whom to meet, and the Commission should remain an open and accessible institution. Indeed, contacts with stakeholders and lobbyists are a valuable part of our everyday work. It is important that we are in contact with a wide variety of interest groups and listen to their views. But we should not be unduly influenced by any one stakeholder or group of stakeholders or give the impression that we favour the advice of one stakeholder over another.

It is essential to inform your hierarchy of forthcoming meetings with relevant stakeholders. Keep a record of your contacts, and debrief colleagues and your hierarchy on the outcome of meetings and any follow-up required. These records may be reviewed periodically to assess the range of stakeholder contact on policy issues.

As part of the European Transparency Initiative, the Commission has created a voluntary Register of Interest Representatives (lobbyists), linked to a Code of Conduct for interest representatives¹³. Before meeting a lobbyist or other stakeholder, you should verify whether

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¹² Directive 2003/6/EC of 28 January 2003 on insider dealing and market manipulation (market abuse) (OJ L 96/16 of 12 April 2003): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:096:0016:0025:EN:PDF>

¹³ <https://webgate.ec.europa.eu/transparency/regrin/infos/codeofconduct.do?locale=en#en>

their organisation has signed the Register and applies the Code of Conduct. If you are approached by unregistered interest representatives, you should invite them to register and explain that registration is an advantage for both you and the interest representative, allowing meetings and cooperation to take place in a favourable context.

III. GIFTS

Remember that you may only accept gifts, favours and donations of a total value of up to €50 from a single source in any given year.

If you are offered a gift worth more than €50 that you would like to accept (or if you are offered more than one gift from a single source in the same year whose combined value is more than €50), you must first inform the Appointing Authority (in this case the Resources Director of DG MARKT). The Appointing Authority will take a decision on whether you may accept the gift¹⁴.

Of course, it may not always be clear whether a gift has a value of more than the set limit and whether it may be accepted or not. The question to consider in such a situation is whether accepting the gift could compromise your autonomy, independently of its value. You should also consider the origin of the gift, and whether its acceptance could be seen to compromise your independence. As a general rule, it is recommended that you decline all offers that have more than merely symbolic value (such as diaries, calendars, small desk items, etc.).

The Staff Regulations (Article 11) stipulate that you may not accept gifts, favours or donations from any source outside the Institution without obtaining prior permission from the Appointing Authority. However, the implementing provisions of DG HR allow you to accept gifts of up to €50 in any one year from a single source. For gifts valued in excess of €50, you must obtain permission from the Appointing Authority. Having considered the motive behind the offer of a gift, favour or donation, the possible consequences for the Institution's interests, the number of gifts, favours or donations from the same source or the total number you receive during the course of a year, the Appointing Authority may authorize you to accept if the value is less than or equal to €250. More expensive gifts may be retained as Commission property, or donated by the Commission to charity.

IV. HOSPITALITY

As regards hospitality, you should firstly assess that the invitation complies with your obligation to act impartially, in the EU interest and for the public good. You should not accept invitations from stakeholders which could be perceived as excessively generous, or invitations issued at frequent intervals by a single stakeholder.

Invitations to entertainment, cultural or sporting events that are offered to you in your capacity as a DG MARKT official, are gifts in kind and are to be approved by the Appointing Authority only if they can be clearly demonstrated to be in the interest of the Commission, for example if they are linked to an event as part of an official mission.

Invitations to business meals that are paid for by third parties are to be considered carefully. You should inform your hierarchy¹⁵ of any invitations to business meals you receive in your

¹⁴ Further information, as well as the relevant form to request acceptance of gifts, is available on the Intracomm website:

¹⁵ Desk officers are to inform their Heads of Unit; Heads of Unit should inform their Director; Directors should inform their Deputy Director-General; Deputy Directors-General should inform the Director-General; and the Director-General should inform the Resources Director.

capacity as a DG MARKT official and discuss with them whether to accept. Any business meals should be strictly necessary to fulfil your professional duties and in the interest of the service. In case of doubt, authorisation should be sought from the Appointing Authority (who in this case is the Resources Director of DG MARKT) to accept lunch or dinner invitations that are made to you by professional contacts, if they exceed a cumulative value of €50 from a single source in one year.

Meals or other hospitality offered by the organizers of an event that you have been instructed to attend as part of your work while you are on mission should be notified separately (see Section V below).

V. MISSIONS AND CONFERENCES

When going on mission, ensure that your mission order is signed before departure so that you are covered by the Commission's insurance policy for personnel on mission. Early preparation of mission orders also assists in finding lower prices for flights and accommodation.

Should you be invited to speak at a conference or another event relevant to your work organised by a third party, please check whether other colleagues from DG MARKT or the Commission are also planning to attend. If this is the case, the relevant Assistant to the Director General should be informed so that senior management can decide on the overall number of participants from the DG¹⁶. For any invitation you receive to attend external events, please check with your line manager the convenience of your participation.

There are, however, a number of regular annual invitations that are issued to large numbers of DG MARKT staff. Provided they are not excessively generous, they should not necessarily be assessed as breaking the 50€ ceiling. Before accepting any such invitation, you should make sure your hierarchy is aware and it will be up to them to decide whether it would be appropriate for you to attend.

If you are going to speak at a conference, you should be aware that you may not under any circumstances accept any remuneration that is offered to you in exchange for any work done¹⁷, and bear in mind Section III concerning the acceptance of gifts.

Missions for which accommodation and/or travel costs are to be borne by a third party (so-called "ORG missions") may only be carried out where an event is organised by a public authority in the EEA or academic institution such as a university. If an event is organised by an EEA public authority or academic institution but is sponsored by a private company, industry association or similar, the Authorising Officer will assess whether the "sponsorship" dominates the event, on a case-by-case basis. If you wish to go on such a mission, you should provide a written justification beforehand to the Authorising Officer. If the Authorising Officer decides that participating in an event organised by a private sector entity is in the interest of the service, mission expenses will be covered by DG MARKT.

When you return from a mission, do not forget to declare all the meals/hospitalities that were offered to you by a third party, so that your daily mission allowance can be adjusted accordingly. A completed mission report with operational conclusions should be added to the expenses claim form.

Seconded National Experts (SNEs) should also be aware of specific rules regarding their participation and conduct on missions. These rules can be found in a Commission Decision of November 2008¹⁸, and in a note of the Director-General¹⁹.

¹⁶ See note participation in external events, Ref. Ares(2011)667631

¹⁷ See Article 4 of Decision C(2004)1597/10 of 28 April 2004.

¹⁸ See Commission Decision C(2008) 6866 final of 12 November 2008:

http://www.cc.cec/home/dgserv/sg/sgvista/i/sgv2/repo/repo.cfm?institution=COMM&doc_to_browse=C/2008/6866

¹⁹ MARKT/A1/BUD/TM D(2007) 3807 of 21 March 2007:

VI. OUTSIDE ACTIVITIES WHILST IN ACTIVE EMPLOYMENT²⁰

DG MARKT encourages staff to participate in outside activities such as lecturing. However, requests for engaging in some professional activities are refused. If you wish to engage in any external activity, whether paid or unpaid, you need prior authorisation from the Appointing Authority (in this case the Resources Director of DG MARKT²¹). The request should be made at least two months before the beginning of the activity via the Ethics tab in Sysper2. The Appointing Authority shall respond within a month of receiving the request.

You should also seek prior authorisation from the Appointing Authority (again, in this case the Resources Director of DG MARKT) if you intend to publish an article or other material dealing with the work of the EU.

Please note that the maximum annual ceiling for net remuneration, including any fees, which you may receive in connection with outside activities is currently set at €4,500. If you receive remuneration for an external activity, please note that you will have to declare in Sysper2 the amount you expect to receive at the time of requesting approval for your activity. Afterwards, you will need to provide evidence of the actual amount received. Any amount received for external activities in excess of the 4,500€ limit will have to be returned to the Commission, with excess amounts being deducted from your salary by the PMO.

Activities such as giving speeches, making presentations or participating in conferences, when carried out in the framework of a mission, are not considered outside activities. When going on mission, you are being instructed by the hierarchy to undertake the activities in question, so that there is no requirement to seek an additional authorization to engage in them. However, if the text of a speech or presentation made during a mission is to be published, you are obliged to inform the Appointing Authority (in this case the Resources Director of DG MARKT). Furthermore, you should be aware that the Commission specifically forbids staff from accepting any payment and/or gifts offered in exchange for work done in the framework of a mission (e.g. speaking fees)²².

In the event that you wish to stand for public office, you must notify the Appointing Authority (in this case the Director of DG HR/B²³) using the form referenced at Annex A. The Appointing Authority will decide whether or not your conditions of employment will need to be amended during the course of any subsequent term of office.

Apart from the Staff Regulations, rules governing external activities and remunerations are laid down in Commission Decision C(2004) 1597/10 of 28 April 2004 on outside activities and assignments and are applicable to officials, temporary, auxiliary and contract agents. These rules apply mutatis mutandis to seconded national experts (SNEs)²⁴. Please note that this Commission Decision also applies to staff on leave on personal grounds (CCP).

²⁰ Commission Decision C(2004) 1597/10 of 28 April 2004 defines outside activities as "any activity, paid or unpaid, that is of an occupational character or otherwise goes beyond what can reasonably be considered a leisure activity".

²¹ The Director-General of DG HR is the Appointing Authority for the Director-General and Directors.

²² Article 4 of Commission Decision C(2004) 1597/10 of 28 April 2004.

²³ The Director-General of DG HR is the Appointing Authority for Directors-General, Deputy Directors-General, Advisers hors classe, Directors and Principal Advisers.

²⁴ See Article 7 (1) (b) of Commission Decision C(2008) 6866 final of 12 November 2008.

VII. OUTSIDE ACTIVITIES WHILST ON UNPAID LEAVE OR UPON RETIREMENT

Professional activities are allowed during leave on personal grounds (CCP), but they must be authorized in advance. Requests to engage in paid or unpaid occupational activities during CCP, or in connection with a request to take CCP, shall be submitted for approval to the Appointing Authority (in this case is the Resources Director of DG MARKT)²⁵ via Sysper2. The Appointing Authority will seek the opinion of the Director-General of DG HR.

An official must supply the Appointing Authority with all relevant information required to make an informed decision as to whether the requested activity might conflict with the interests of the Commission²⁶. The Appointing Authority, in granting permission to engage in occupational activities, may impose conditions, taking into account the nature of each policy area, which it considers necessary to ensure that officials comply with their obligations. The Appointing Authority will take a case-by-case approach. If, for example, an official requests CCP to take a job in the private sector (e.g. law firm or consultancy), the Appointing Authority may impose any restrictions that it reasonably sees fit concerning work dealing with specific companies or enterprises, depending on the official's previous employment history in the Commission. In certain cases, the exercise of the activity proposed during CCP may even be refused.

According to Article 16(3) of the Commission Decision on external activities, a cooling-off period is imposed. The official concerned may not participate in meetings or have contacts of a professional nature with his or her former Directorate General or service for a minimum of 1 year for management staff and 6 months for other officials. In addition, officials on CCP may not deal with individual cases that they have worked on in the three years preceding their CCP.

If you leave the Commission you will be asked to sign a declaration acknowledging that you are aware of your continuing obligations to the Commission. For a period of two years following retirement, you will be required to inform the Appointing Authority (in this case the Director-General of DG HR) if you wish to take up an outside activity. You will also be required to supply all relevant information regarding your employment history and future employer in order to allow the Appointing Authority to make an informed decision as to whether the requested activity may be allowed²⁷.

Leave on personal grounds is an administrative status which may be granted to officials at their own request (Article 35 of the Staff Regulations). Officials on CCP are not former staff, as they are entitled to reintegration into Commission services. Thus, they are subject to the same obligations as officials in active employment, in particular those established in articles 11, 11a, 12, 13, 15, 16, 17 and 17a of the Staff Regulations. They are also subject to the relevant provisions of Commission Decision C(2004) 1597/10 of 28 April 2004.

²⁵ For Director-General, Deputy Director-General, and Directors, the Commission is the Appointing Authority for granting leave on personal grounds.

²⁶ For details, see articles 14 to 17 of the Commission Decision C(2004) 1597/10 of 28 April 2004 for the rules applicable to officials on CCP.

²⁷ For details, see article 18 of the Commission Decision C(2004) 1597/10 of 28 April 2004 for the rules applicable to officials having left the service of the European Commission.

VIII. TAKE ACTION IF YOU NOTICE ANY WRONGDOING

If, in the course of, or in connection with the performance of your duties, you become aware of any information having a bearing on any member of staff, which may be detrimental to the interests of the Commission, you should immediately report it. You have an obligation to report facts pointing to possible illegal activity, including fraud or corruption or to a serious failure to comply with the professional obligations of Commission staff.

In reporting suspected wrongdoing, you do not need to prove that the presumption of wrongdoing is correct, but you should reasonably believe it to be the case²⁸. Wrongdoing should be understood to cover issues, such as leaking of sensitive information, misuse of resources, fraud and corruption.

You have a choice of reporting channels. You may inform your immediate superior, the Director-General of DG MARKT, the Secretary-General of the Commission, or the European Anti-Fraud Office (OLAF).

Staff should also be aware that Article 22 of the Staff Regulations states that you could be required to make good, in whole or in part, any damage suffered by the Communities as a result of serious misconduct in connection with the performance of your duties. Your financial liability could be invoked if you have caused serious financial damage or are guilty of deliberate misconduct or gross negligence.

Pursuant to Article 22a of the Staff Regulations, we are obliged to report to our superior or the Director-General, or if we consider it useful the Secretary General or OLAF, any information received in connection with the performance of our duties which gives rise to the assumption of possible illegal activities detrimental to the interests of the Communities, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations incumbent on officials of the Communities.

It should also be recalled that the effective application of whistleblowing rules and the protection of whistleblowers have been set out in a specific Communication (SEC(2004) 151/2).

²⁸ For more detailed information, please consult the intranet the section "reporting improprieties: what to do in cases of wrongdoing?" at the following link:

B. INTEGRITY AND SECURITY ISSUES

IX. BE AN "AMBASSADOR" FOR THE DG AND THE COMMISSION

The Commission has recently adopted guidelines for staff as "ambassadors" (SEC2007 912/9). The guidelines ask that staff should act as ambassadors for the Commission and display appropriate behaviour in their professional contacts. The guidelines also encourage staff to speak in public about their work. Make your presentation relevant to your audience, tailoring it to their needs and degree of knowledge and relating it, where possible, to their daily lives.

Find out if media representatives will be in the audience, so that you can take advice from the Communication unit or the Spokesperson on handling any questions that may arise.

Be aware that when you speak in public on a topic relating to your work in the Commission, it may not be clear whether you speak on behalf of the Commission or are expressing your personal views. You should avoid creating confusion or uncertainty when making public statements. Therefore, you should avoid discussing any case which is still at the preparation or discussion stage and on which the Commission has not adopted an official position. When expressing your private views in public, make it absolutely clear that you are expressing personal opinions that may not necessarily reflect the views of the Commission and/or DG MARKT.

How you act will influence the image people form of the Commission and its staff. The Staff Regulations, in combination with the Code of Good Administrative Behaviour²⁹, provide a set of core principles to guide staff in how they carry out their tasks and behave. These principles include discretion, circumspection, loyalty, objectivity and impartiality.

Article 17a of the Staff Regulations states that "an official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality". This right, however, should be understood together with the obligations laid down in articles 11 and 12 of the Staff Regulations regarding our "duty of loyalty to the Communities" and the obligation to refrain from "any action or behaviour that might reflect adversely upon [our] position".

X. BE HELPFUL, BUT CIRCUMSPECT, IF CONTACTED BY THE MEDIA

Contacts with the media are the responsibility of the Spokesperson for which guidelines are established in the Working Arrangements agreed between the Commissioner and DG MARKT. As a general rule, the Spokesperson's office should be kept informed of any contact with the media on the part of DG MARKT staff, whenever these take place, especially as regards matters still under discussion within the DG or within the Commission itself.

Questions of a political nature should be directed to the Spokesperson. If you are asked to answer a request for information concerning a subject that falls within your specific area of responsibility, you should contact the Spokesperson's office and agree a line to take. Staff should limit their remarks to explaining the public facts and technicalities of a file and should refrain from making political comments and giving personal opinions. It should be made clear at the beginning and end of a conversation with a journalist that any information given is on a background basis only and therefore not for quotation or attribution. Staff should promptly e-

mail the Spokesperson and the Communication Unit of DG MARKT on the outcome of their discussions.

XI. MANAGE YOUR DOCUMENTS EFFICIENTLY, SO THAT YOU CAN MAINTAIN A CLEAR RECORD OF YOUR WORK AND RESPOND QUICKLY TO REQUESTS FOR DOCUMENTS

We all have a responsibility to manage our documents efficiently, and Heads of Unit have a particularly important role to play in ensuring good record management within the DG. Documents and emails should be appropriately registered. Registered documents should be filed in accordance with the units' filing plan in the common repositories (ARES, CISnet, etc.) and shared drives. The Head of Unit should make sure that every member of the unit knows where to file and retrieve documents.

Contact Unit A3/CAD if you require any supplementary information or training on correct document management in line with the Commission's EDOMECE rules³⁰.

XII. TAKE PRECAUTIONS TO PROTECT SENSITIVE INFORMATION

Use only official software, protect your computer passwords, follow the specific security rules for each information system you use and put your PC in locked mode whenever you leave the office.

Do not discuss sensitive information in public places, or leave documents containing sensitive information unattended. Apply the relevant security rules for EU classified documents³¹. Make sure that confidential or sensitive information is securely stored when you leave the office. Limit distribution and copying of sensitive documents to essential copy recipients, and avoid, if possible, taking paper copies of sensitive documents off Commission premises. Use shredding machines to dispose of these documents after use.

Do not disclose any sensitive information that is known to you in your professional capacity within the Commission, except on a 'need to know' basis. Sensitive information to which you have access should never be used for private gain. Sensitive information may be either internal (e.g. administrative data) or external (e.g. market sensitive data). If you believe that you may be in possession of market sensitive data, whether through policymaking or enforcement work, you should follow the procedures outlined at Annex C. Remember that information that may seem of little relevance to you may be of value to others. It is therefore sensible to be discreet about your work at all times.

Make sure that you are aware of relevant data protection rules whenever you need to collect or process personal data (e.g. personal information relating to job applicants or members of working groups). If you need to process personal data, you must inform the DG's Data Protection Coordinator (Håkan Ander in Directorate B), who will notify the data processing operation to the Commission's Data Protection Officer.

Where appropriate, use Outlook's Secure Electronic Mail (SECEM) system for sending sensitive email messages.

³⁰ Commission Decision of 23 January 2002 amending its Rules of Procedure:
http://www.cc.cec/home/dgserv/sg/sgvista/i/sgv2/repo/repo.cfm?institution=COMM&doc_to_browse=C/2002/0099&refresh_session=YES

³¹ For information on the appropriate security rules for EU classified documents refer to

XIII. MAKE PROPER USE OF THE COMMISSION EQUIPMENT AT YOUR DISPOSAL

Commission equipment should not be used in a manner which is contrary to the interests of the Commission or in a way which might disrupt the functioning of the service or bring the Commission into disrepute³².

Limit private use of Commission equipment (phone, mail, internet) to the strict minimum. If you need to use your office phone for private purposes, make sure you pay for it either by entering your personal code or by declaring personal calls on your monthly statement.

XIV. CARRY OUT YOUR DUTIES TO THE HIGHEST PROFESSIONAL STANDARDS

As noted in the Statement of Principles of Professional Ethics annexed to the Communication of 5 March 2008 on Enhancing the Environment for Professional Ethics in the Commission³³ (see Annex D), Commission staff should "serve the public interest of the European Union with competence and responsibility, in accordance with the highest professional standards. Conclusions or decisions should be balanced and based on a thorough analysis of the facts and the legal background." This highlights the importance of doing our jobs to the best of our ability in the service of the EU public.

It is equally important that we strive to maintain high standards of professional competence throughout our careers. It is the best defence against poor decision making and loss of impartiality through over-reliance on others to check facts and sources. Professional competency is also a key element in effective management supervision. Professional development and lifelong learning is an important part of maintaining professional competence. The learning and development team of DG MARKT organises training sessions to improve staff knowledge, skills and abilities on a wide range of topics, including management issues and technical matters. For example, Directorate B offers case handlers training on specific legal issues and on impact assessment evaluation. All Staff meetings and Brown Bag seminars provide opportunities to refresh or expand our knowledge. DG HR also provides a plethora of learning and development opportunities to broaden our skills base and deepen understanding of EU processes and procedures. External sources, such as courses, professional research journals and conferences can also be good resources for obtaining up-to-date academic or market know-how and keep abreast of developments in DG MARKT's areas of competence.

XV. CONSIDER THE ENVIRONMENTAL IMPACT OF YOUR ACTIONS AT WORK

There are a number of simple steps that staff can take to limit the environmental impact of our work. For example:

- when you leave the office in the evening, switch off the lights;

³² The rules for using IT facilities, including for private use are available at

³³ SEC(2008) 301/4:

http://www.cc.cec/home/dgserve/sg/sgvista/i/sgv2/repo/repo.cfm?institution=COMM&doc_to_browse=SEC/2008/0301&refresh_session=YES .

- limit printing of documents that can be read online or print them recto-verso;
- use the appropriate waste disposal bins for your waste paper and bottles;
- you could consider using public transport to come to work;
- if you can, take advantage of the Commission's service bicycles to get to external meetings rather than driving;
- alternatively, take the number 21 or 22 buses, which are free of charge for Commission officials.

Encourage your colleagues to think and act in an environmentally friendly manner. For more information and ideas, see the recommendations of the DG MARKT Environment Group available at

XVI. ASSIST THE SECURITY STAFF IN MAINTAINING A SAFE AND SECURE WORKSPACE

Display your service card at all times while on Commission property. Meet visitors at the entrance to the building and accompany them throughout their stay on Commission premises.

Report any suspicious activity or packages to security staff.

In case of emergency, dial the Commission's emergency centre on (32-2-29) 2 22 22.

ANNEX A

LINKS TO RELEVANT INFORMATION & FORMS

Relevant information on ethics generally can be found on DG HR's site on Intracomm:

Relevant information on the Staff Regulations can be found at

The link to the Code of good administrative behaviour:

Conflicts of Interest

- a) DG MARKT Annual Declaration Form:
- b) Private interests:
- c) Activities of spouse or partner:

Contact with Lobbyists and other Stakeholders

The link to the Register of interest representatives:

<http://www.ec.europa.eu/transparency/regrin/>

The link to the Code of Conduct of interest representatives:

http://europa.eu/transparency-register/about-register/code-of-conduct/index_en.htm

Gifts

For further information, including the relevant form:

Hospitality

For hospitality in excess of €50 ceiling, requiring authorisation from the Appointing Authority (Resources Director, DG MARKT). Please use the same form as for gifts, i.e.

Missions

- a) The new rules for missions can be found at the following link:
- b) Seconded National Experts should note the following document (in FR only):

Outside Activities

- a) To engage in any outside activities, paid or otherwise, please use the Ethics tab in Sysper2:
- b) Standing for political office for further information, including the form:

Disclosure of Information before going on CCP

General information:

Reporting Wrongdoing

For further information refer to:

and also:

Staff as Ambassadors' initiativehttp://www.cc.cec/home/icn/pdf/912_note_en.pdf
Procedures regarding IT security

Environmental impact

To review the recommendations of the DG MARKT Environment Group consult this link:

ANNEX B

ANNUAL DECLARATION FORM REGARDING POTENTIAL CONFLICTS OF INTEREST

You are required to sign this form³⁴ in order to confirm that you have read and taken note of Article 11a of the Staff Regulations. Signing this declaration should prompt you to consider whether you may have a possible conflict of interest that could affect the performance of your duties at DG MARKT. The act of signing the declaration should also remind you that when you do have a conflict of interest you should alert the Appointing Authority (in this case the Director-General of DG HR) by using the form available on the Intracomm website³⁵.

Article 11a of the Staff Regulations states the following:

- 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.*

I hereby declare that I have read Article 11a of the Staff Regulations and am aware of my obligations. Whenever I have a conflict of interest I will alert the Appointing Authority.

Name:	Date:	Signature:

Please send a signed copy of this form to the Ethics Correspondent (Alvaro de Oña) in Unit A1.

³⁴ AD and AD equivalent staff should sign this form. AD equivalent staff are Seconded National Experts, Temporary Agents and Contract Agents in function group IV. Heads of Unit may also decide on a case-by-case basis whether AST or AST equivalent staff in their units should be required to sign the declaration, depending on their participation in e.g. procurement procedures or infringement cases.

³⁵

ANNEX C

GUIDELINES ON THE TREATMENT OF MARKET SENSITIVE INFORMATION

I. How to recognise market sensitive information

It is important to recognise when information may have market sensitivity, as unauthorised dissemination of information that is exploited for financial or competitive advantage has the potential to cause serious reputational damage to the Commission.

Any information on a case or policy initiative that, if it were made public, would be likely to affect the pricing of financial instruments can be considered market sensitive. However, it is important to consider a range of factors when assessing the intrinsic value of the information. For example, information may not have value in the financial markets, but could give a competitive advantage to one or other participant in markets for goods or services. A good example of market sensitive information involves infringement cases that are related to 'golden shares', but almost any policy initiative has the potential to contain market sensitive information at some point in the development cycle. You are advised to discuss with your hierarchy whether any information in your possession could be considered as market sensitive and should be subject to the guidelines set out below.

II. Treatment of market sensitive information

The elements of good practice when dealing with market sensitive information are twofold:

- (i) Information should be shared on a 'need to know' basis³⁶.
- (ii) Information should be traceable, so that it can be determined 'who knew what when'.

The following guidelines should be used as a basis for handling market sensitive information:

- HoU have the responsibility to verify whether any information may qualify as market sensitive. This is particularly important for infringement cases.
- If the HoU decides that a case or information relating to a dossier is market sensitive, he/she should inform the case handlers/desk officers involved, as well as the Director. Any Commission contact outside the DG with whom the information has to be shared must be made aware of the sensitive nature of the information and be required to treat the information in confidence.
- The distribution of documents and any other communication relating to or containing market sensitive information should be strictly limited to a 'need to know' basis. The HoU should keep track of who is party to the information both within the DG and outside the DG (e.g. Cabinet, Secretariat-General, other DGs) in order to be able to assist with investigations into alleged leaks, if necessary.
- Documents containing market sensitive information should be stored under lock and key and saved in electronic folders with appropriately limited access rights. For destruction, such documents should be shredded.

³⁶ This implies that market sensitive information should only be shared with those persons who need to have access to the information in order to perform their duties. It does not necessarily imply that information need be shared with the hierarchy. For example, in the case of consultations from DG COMP on banking state aid cases, the line unit only informs hierarchy in case it disagrees with the draft decision.

- In certain situations it may be advisable to use code names in emails or notes to conceal the names of companies, industry sectors and Member States concerned. This ensures protection of the information without excessive restrictions on email and document handling. The protected names should be available to colleagues only on a 'need to know' basis.
- Secure email (SECEM) should be used for the distribution of documents or where code names cannot be used. Hyperlinks to protected folders should be used rather than attachments.
- The updating of databases (e.g. NIF³⁷ for infringement cases) should be delayed until the moment the encoded information is required (e.g. for NIF, shortly before the Commission decision).
- The HoU responsible should periodically review whether relevant information continues to be market sensitive. All staff that are party to the information should be informed when it is no longer considered by the responsible HoU to be market sensitive.

³⁷ Contacts with the Secretariat-General will be undertaken to request that the NIF database will allow the masking of sensitive information or the restriction of access to certain cases. Until such measures are implemented, colleagues in DG MARKT should contact their counterparts in other services (e.g. Legal Service, Secretariat-General) to discuss any practical arrangements for dealing with particular cases involving market sensitive information.

ANNEX D

STATEMENT OF PRINCIPLES OF PROFESSIONAL ETHICS³⁷

Staff of the European Commission serve the public interest of the European Union. Incumbent with this privilege is the obligation to adhere to the principles of the European Civil Service as reflected in the Staff Regulations.

Upholding public interest and accountability

Staff's conduct and participation in any decision-making process should be determined by the need to serve the common good and the European public interest, and never by any other interests whether private or as a result of pressure from any source.

Staff help the European Commission to meet the highest standards of transparency and accountability. Staffs act in a manner that will bear the closest public scrutiny.

Competence, responsibility and objectivity

Staff serve the public interest of the European Union with competence and responsibility, in accordance with the highest professional standards. They constantly aim at achieving the Commission's objectives effectively and efficiently and they loyally implement all decisions.

Staff give honest and impartial advice and act at all times in an independent and objective manner. Conclusions or decisions should be balanced and based on a thorough analysis of the facts and the legal background. Staff must ensure that any conflict of interests which arises between their individual, private interests and the public interest of the European Union is handled properly.

Safeguarding public assets and information

Staff ensure proper and efficient use of the resources and public assets trusted to them so as to protect the financial interests of the European Union.

Staff are responsible for the security of information in their possession or under their responsibility whilst complying with the rules on access to documents safeguarding the public interest.

General Conduct

Staff communicate and behave in a way which will not reflect negatively on the Commission.

Staff should in all contexts consider the possible consequences and implications of potential action; they should conduct themselves at all times with a due sense of proportion and propriety, always bearing in mind the image and the reputation of the Commission.

³⁷ This statement of principles was published as an annex to the March 2008 Communication from Vice-President Kallas to the Commission on Enhancing the Environment for Professional Ethics in the Commission: