



DG TRADE

Quick Guide on gifts and hospitality

1. BACKGROUND

Under article 11a(1) of the Staff Regulations all staff must **avoid situations of conflict of interest in the performance of their duties**. Besides real and potential conflicts of interest, **apparent conflicts of interest** are also covered by this rule. It is clear that accepting gifts, favours or donations from parties that have business before the DG, or an interest in influencing our decisions, is likely to create at least an apparent conflict of interest.

A **good rule of thumb** to avoid problems later on is to:

- (1) refuse gifts or hospitality whenever you are in doubt, or if that is not possible
- (2) seek prior approval of your hierarchy whenever feasible
- (3) always report all free meals and any other invitation that has been accepted

2. GUIDANCE ON GIFTS, FAVOURS OR DONATIONS

What is the general rule?

It is strongly recommended that you **decline any gift, hospitality or donation which has more than merely symbolic value** (such as diaries, calendars, small desk items, etc.) **or which goes beyond customary diplomatic hospitality**.

If you intend to accept a gift, hospitality or donation (of more than €50), you should first obtain **permission** to do so from the **Appointing Authority (AA)** using the form attached in Annex to this quick guide.

What qualifies as a gift, favour or donation?

The notion of "gifts, favours or donations" **should be interpreted broadly and clearly includes gifts in kind**. Gifts in kind, such as trips or excursions organised by third parties which require you to be absent from work or to travel, will only be approved by the AA if their acceptance can be clearly demonstrated to be in the Commission's interests.

This rule covers all gifts, irrespective of their **source**, including gifts received from public sector representatives, private companies, industry representatives, or NGOs, as well as those received from officials from other countries such as ambassadors or trade negotiators.

When should I request permission to keep a gift?

You must apply for permission to the AA, (demonstrating that you have considered any possible motives behind the offer and setting out why you believe you should be allowed to keep it), if:

- The value of the **gift, hospitality, favour or donation exceeds €50**; or
- Where the **combined value of gifts, hospitality, favours or donations received from the same source in a 12-month period exceeds €50**.

For gifts, hospitality, favours or donations below €50, there is no requirement to request formal authorisation to keep the gift. However, you *should* inform your immediate line manager. Additionally, **each member of staff is personally responsible for ensuring that he/she keeps a record of low value gifts** received so as to know when it may be necessary to request permission to accept an additional one.

Gifts with a value of € 250 or more *may* be retained as Commission property, or donated by the Commission to charity.

If you are uncertain about the monetary value of a gift or favour, you should declare it indicating the value of gifts already received from the same source where applicable and apply for permission to keep it.

3. GUIDANCE ON HOSPITALITY (INVITATIONS FOR LUNCH, DINNER OR OTHER EVENTS)

DG TRADE staff must always avoid situations which could be **reasonably perceived as impairing their independence or impartiality**, and thus potentially have a negative impact on the Commission's reputation.

What is the general rule?

Hospitality received, such as invitations to theatre performances, concerts, or free meals, fall within the general rule.

Invitations that must be refused as a rule include:

- Invitations bearing **no relationship to the event** at which the official is speaking, such as a major sporting event, or a weekend away at a hotel;
- **Invitations to expensive restaurants or glamorous events**, unless the overriding interest of the service requires otherwise and the staff member concerned has obtained prior permission from his/her hierarchy.

On the other hand, invitations to a national celebration during a mission abroad, or occasional working lunches with a foreign trade councillor, would, in most cases, be authorised.

In addition, if you **receive an invitation** to an event or to go for a meal it is strongly recommended that you do not go on your own but that you are **accompanied by at least one colleague**.

What should I consider before accepting an invitation?

Before accepting invitations for lunch, dinner or other events, DG TRADE officials must carefully consider:

- the context of the invitation;
- the interest of the Institution;
- and the potential risks that accepting such an invitation might create, including in terms of appearances.

What am I expected to do before accepting invitations?

DG TRADE officials should **request prior authorization from their AA to accept hospitality that is offered by people with whom they have professional contacts, if the cumulative value of the hospitality exceeds €50 in one 12-month period.** If it is not possible to obtain prior authorization then the invitation should be declined. For invitations with a value of less than €50 it is not necessary to formally request prior authorisation. Nonetheless it is strongly recommended that you inform your line manager about such invitations, preferably in advance of the event.

Are there any exceptions to the general rule? Are there cases where accepting hospitality is in the interest of the service?

Typical cases where accepting hospitality may be in the interest of the service are summarised in the boxes below:

Situation 1: Missions outside Brussels

Example: You are on mission, making a presentation at a conference, or visiting a company concerned by one of your cases and you are offered a meal or other facilities (for instance local transport) by the organizers of the event or by the authorities of the country you are visiting

What should you do? No separate authorisation is required where the hospitality and/or facilities offered:

- allow speedier or easier accomplishment of the tasks assigned during the mission
- and/or are part of customary diplomatic behaviour and does not go beyond what is necessary and reasonable.

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

Situation 2: I am invited to an event to represent the Commission in Brussels

Example: You are taking part in an event as part of your work to represent the Commission without a formal mission order (e.g. in Brussels) and some form of hospitality is offered.

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

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

Example: You are in contact with representatives of Member States or of third countries either in Brussels or abroad in the context of customary diplomatic activity and you are offered some form of hospitality.

What should you do? If a staff member is, for example, invited to attend a working lunch hosted by another mission the following day s/he should, whenever possible, inform the hierarchy in advance and obtain authorisation to accept by e-mail.

If it is impossible to obtain advance authorisation, for example, because the invitation is made spontaneously during an important negotiation session, so that the discussion can be continued over lunch/dinner, the following elements should be considered:

- (1) the nature of the hospitality and its frequency.*
- (2) the potential risk to the staff member's impartiality and/or the reputation of the Commission.*

The following general principles should also be noted:

- A working lunch / dinner immediately following a work-related meeting would probably be acceptable if the lunch/dinner does not take place in a restaurant beyond the normal standard for trade diplomats.*
- Lunch with a staff member's regular counterpart every so often would be more acceptable than a weekly occurrence.*

If a staff member is in any doubt, s/he should politely decline the invitation or suggest that s/he pays for himself/herself.

In all cases the staff member should inform his/her hierarchy directly after the lunch in writing and formally declare the invitation together with its estimated value in writing.

Which form should I use to ask for prior authorisation?

To obtain permission to keep gifts or accept hospitality, please complete the attached form, have it reviewed by your HoU and your ACA and send it to the AA (your Director or the Director General, depending on where you are located within the DG). If you have any questions about this procedure or need any advice please contact the ECO (Ethics Compliance Officer) in Unit A.1 (Ron ter Bogt).

4. CONCLUSION

In relation to accepting gifts and hospitality, staff should remember that the overriding objective must always be to ensure that they do not find themselves in a situation which may, or may be perceived to, negatively impact their autonomy or independence, irrespective of the source or value of the gift. If in doubt staff should discuss the matter with their hierarchy or directly with the ECO. If this is not possible it is strongly recommended that staff decline diplomatically any such offer.



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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE

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

**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:.....

Administrative status: official/temporary staff/contract staff/auxiliary staff¹

Grade:.....

Office address:..... Tel:.....

DG, Directorate, Unit:

Description of duties:.....

SUBJECT OF THE APPLICATION

I have received/I request permission to receive¹ the following gift or
favour²:.....

.....
.....

(other gifts or favours received from the same person/organisation during the past
year²:.....

.....
.....)

I believe that it would have caused/would cause¹ offence to refuse this gift or favour
because:.....

.....
.....

¹ Delete those which do not apply.

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 Commission in mind, for which reasons I am requesting permission to accept this gift.

SIGNATURE:DATE:

OPINION OF LINE MANAGER

application accepted/rejected¹

If rejected, give reasons:

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

SURNAME/FIRST NAME:.....POSITION:.....

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

TECHNICAL REVIEW OF THE ACA

SURNAME/FIRST NAME:.....POSITION:.....

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

COMMENTS (IF ANY).....
.....

² Description and estimated value.

APPOINTING AUTHORITY DECISION

APPLICATION ACCEPTED/REJECTED¹

SURNAME/FIRST NAME:POSITION:.....

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

**The original document should be kept by the individual with a copy of the decision being
to be sent to Unit HR.B.1 - SC 03/27**

