



# Staff members' ethical obligations after leaving the Commission



HR.E3 Ethics and Ombudsman

# THIS **PRESENTATION**



PUBLIC ATTENTION



OCCUPATIONAL ACTIVITIES AFTER LEAVING THE SERVICE



CONFIDENTIALITY



LEGAL PROCEEDINGS



DISCIPLINARY CONSEQUENCES



QUESTIONS AND ANSWERS

# 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



## 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) Staff Regulations)
- Within **2 years of leaving the service, obligation to declare to the institution any occupational activity**, whether gainful or not (Art 16 (2) Staff Regulations)
- 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



## 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)



# Occupational activities after leaving the service (3)

## *Restrictions imposed*

- **For senior officials: explicit prohibition in the Staff Regulations, 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

## 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 Staff Regulations)



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



## Legal proceedings : Article 19 Staff Regulations

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**.





## **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**



THANK YOU FOR YOUR ATTENTION



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