

***ETHICS AND INTEGRITY AT THE  
EUROPEAN COMMISSION***

**VADEMECUM FOR THE STAFF OF  
DG ENER**

**Update May 2012  
DG ENER SRD.2**

## INTRODUCTION

The question of ethics has always been important in all areas of life in general, and it is increasingly becoming a priority in the context of working life. In the case of a supranational institution serving the public interest of millions of European citizens such as the Commission, the emphasis is now placed on a *culture of integrity* that we are establishing in a concrete and clear manner.

The values laid down in the Statute guide us in our *behaviour at work and in our private lives*. This means that our responsibilities with regard to ethics should not be seen as obligations but as values to be shared by all members of staff. Some professions have long been subject to specific ethical rules, and in recent years within the Commission staff have increasingly becoming conscious of the importance of having their own code of ethics and to ensure the respect of norms and ethical principles of a standard high enough to actually live up to our obligations to citizens and the public good. Our *Code of Good Administrative Conduct* is proof of this.

The responsibility for this new culture of integrity that we wish to promote throughout the DG ultimately rests on each of us; it is our personal responsibility to be the first line of defence. It is also a matter of transparency and protection and as such it is also our duty to maintain the good name and credibility not only of the institution but also of all colleagues. Obviously, in order to feel a sense of ownership with regard to this approach, which focuses on awareness and individual responsibility, it is first of all necessary to know and become familiar with the rules and procedures in this matter.

Ethics is not an area that is easy to understand. Therefore, the DG has taken the initiative to bring together in this guide, in a structured way, the relevant information in the form of thematic fiches. However, the main objective of this document is not only to inform and educate staff but it is primarily to draw attention to the need for an attitude of constant self-awareness on your part: Given your tasks and your own life experience, you are best placed to make the first assessment of the potential risk that a given situation can produce, obstructing the performance of some of your obligations. This personal reflection clearly demonstrates your sense of responsibility. In any case and especially if you find yourself in an "ethical dilemma" you may consult your Ethics correspondent in Unit SRD.2, Ms Nicole Magel (DM28 5/80 - tel. 92095), who can help you and if necessary consult DG HR colleagues to find the appropriate answer to your specific problem. Of course you can always count on the advice and support of your hierarchy. Moreover, we are all in a position to be able to expect exactly that level of irreproachable and informed conduct from the hierarchy. DG ENER has therefore made efforts to raise the awareness not only of its senior and middle management but also of its staff in this regard, which is a clear sign of its commitment to a culture of integrity.

This vademecum includes several case studies used in the training sessions organised for the DG's managers and staff in Brussels and Luxembourg and others supplied by DG HR in order to provide you with concrete examples of everyday situations where ethical issues come into play. Please note that a proper answer depends on knowing *all* the facts and circumstances in a case.

## Table of Contents

FICHE N° 1: GIFTS .....	4
FICHE No. 2: HOSPITALITY .....	7
FICHE No. 3: DECORATIONS AND HONOURS .....	10
FICHE No. 4: PUBLICATIONS AND SPEECHES .....	11
FICHE No. 5: EXTERNAL ACTIVITIES .....	14
FICHE No. 6: MANDATES AND PUBLIC OFFICE.....	18
FICHE No. 7: MISSIONS .....	20
FICHE No. 8: CONTACT WITH THE MEDIA AND PUBLIC IN GENERAL.....	23
FICHE No. 9: CONTACTS WITH LOBBIES AND OTHER INTEREST GROUPS .....	26
FICHE No. 10: CONFLICT OF INTEREST .....	28
FICHE No. 11: TERMINATION OF SERVICE OR LEAVE ON PERSONAL GROUNDS ('CCP') .....	31

## ANNEXES

REFERENCE OF RULES AND APPLICABLE LAW .....	33
COMMUNICATION FROM VICE-PRESIDENT KALLAS TO THE COMMISSION ON ENHANCING THE ENVIRONMENT FOR PROFESSIONAL ETHICS.....	34
COMMISSION DECISION ON OUTSIDE ACTIVITIES AND ASSIGNMENTS.....	35

## FICHE N° 1: GIFTS

### Basic rules:

The Guidelines on Gifts and Hospitality (SEC 2012) 167 final) define a gift as

- a sum of money or any physical object (excluding low value items given for purely information purposes);
- the possibility to participate for free in events which are open to the public – or are private in nature – and are otherwise only accessible in return for payment and represent a certain value (such as complimentary tickets for sport events, concerts, theatre, conferences, etc.);
- any other advantage with a pecuniary value, such as transport costs.

As a basic principle do not accept any direct or indirect gifts offered by third parties and discourage them from being offered.

This rule also applies to former officials if the gift is offered in connection with their former duties in the Commission.

If you propose to accept, you need to request an authorisation from the Appointing Authority depending on the value of the gift:

- You are authorized to keep a **gift worth up to 50 €** without having to request explicit prior permission from the Appointing Authority.

**Attention:** These thresholds do not mean that you may accumulate a number of gifts below the set value. An accumulation may be seen to compromise the staff member's objectivity and independence, or may damage the Commission's public image.

- For a **gift worth between €50 and € 150** you have to request explicit prior permission from the Appointing Authority.
- Authorisation for **gifts with a higher than €150 value** will be refused by the Appointing Authority.
- Offers of any sum of money must be refused.

Criteria on which the decision of the Appointing Authority will be based:

- 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

**Remarks:**

Irrespective of the issue of the objective value of the gift, you are the first concerned when it comes to whether it is appropriate or not to accept a gift and, if in doubt, you should talk to your hierarchy. Keep in mind that the attitude of discouraging the delivery of gifts is always less risky!

If you feel the situation puts any form of pressure on you or if you think that it is likely that to accept would be susceptible to influence you, you must politely refuse, citing the existence of a code of ethics for Commission officials.

You should take into account the cultural context of the country<sup>1</sup> where the offer of the gift emanates from so that, in case of refusal on your part, you do not damage a healthy working relationship with your interlocutors.

**Procedure to follow:**

1. If the gift or gifts received during a year do not reach a value of 50 € there is no need to apply for authorization.
2. If you propose to keep a gift(s) worth between €50 and €150 you should introduce your request for authorisation in Sysper2 – My Ethics file – Ethics request.<sup>2</sup>
3. You should refuse a gift(s) with a higher than €150 value and inform your immediate hierarchical superior about this refusal, preferably in writing. You can send the gift back to the source, with an accompanying note, or to OIB, who will give it to charity (Address: OIB, Service Colis – Cadeaux, DAV1 1/255).

**Legal basis:**

Staff Regulations: Article 11

Conditions of employment applicable to other servants: Articles 11, 54, 81, 124

Guidelines on Gifts and Hospitality, SEC(2012) 167 final of 7.3.2012

---

<sup>1</sup> This remark is particularly relevant in a context outside the European Union.

<sup>2</sup> The Appointing Authority for staff up to HoU level is the Deputy Director General BXL or LUX.

## *Case studies*

1. *I have received a package for Christmas (a calendar, chocolate, an agenda). I think it has no great value. Can I accept this?*

First of all, the estimation of the value of the gift has to be done in good faith. In case of a value of less than €50, you may keep the gift. Prior permission by the Appointing Authority is presumed to be granted for a gift worth up to €50. Just pay attention if there could be a particular situation which would require even not accepting this kind of gift (for example if you are in the process of selecting a company in the framework of a tender proceeding and the gift comes from a participating company).

2. *A colleague has received a watch and would like to hand it over to the Commission (for charity). Could you tell me how he should proceed and where he should send it?*

We recall that a gift with a value exceeding €150 cannot be accepted. The refused gifts should be returned to the source as far as possible or otherwise to OIB at the following address: OIB.OS.1 - DAV1 1/255. Gifts that cannot be returned to the source will be awarded to a charity organisation chosen by OIB. This procedure also applies to unauthorized gifts (worth over €150). In addition, for reasons of transparency and politeness, you are requested to inform the source that the gift was not accepted and will be sent to charity – unless this is not advisable for courtesy reasons. It is also recommended that you inform your immediate superior for reasons of transparency.

3. *During a conference I received a kit of stationery from the organizers. I cannot evaluate myself the overall value of the gift. Should I have refused it?*

First of all, the estimation has to be made in good faith. Usually the value of this kind of gifts is limited and there is no risk of conflict of interest, damage to the reputation of the Institution or to your impartiality. It can however be important to establish if such gifts have been accorded to all participants or only to some of them/you (main speakers, authorities and so on). Also the circumstances of such gestures are relevant. If a gift has been donated to you in front of everybody, then you couldn't refuse it without being impolite toward your hosts. If, however, the value of the gift turns out to be valuable, you should start the procedure for request of authorisation as soon as possible (afterwards).

## FICHE No. 2: HOSPITALITY

### Basic rules:

The Guidelines on Gifts and Hospitality (SEC 2012) 167 final) define hospitality as

*an offer of food, drink, accommodation and/or entertainment from any source outside the institution.*

As a general rule staff members should not accept any hospitality offered by third parties. Any situation where the acceptance of hospitality may lead to real, potential or perceived conflict of interest must be avoided.

If you propose to accept the offer of hospitality, you need to request an authorization from the Appointing Authority, depending on the circumstances:

- a) Prior permission is presumed to be granted for
  - occasional offers of simple meals, refreshments, snacks etc.
  - lunches or dinners which are strictly linked to your function, do not prejudice the interests and public image of the Commission and in which you participate in agreement with your hierarchy and in the interest of the service.

**Attention:** This does not mean that you may accumulate a number of hospitality offers falling under the above categories. An accumulation may be seen to compromise the staff member's objectivity and independence, or may damage the Commission's public image.

- b) You have to request explicit prior permission by the Appointing Authority in cases which do not belong to the above categories and whenever you have a doubt about the appropriateness of accepting or refusing a hospitality offer.

If prior authorisation is not possible, you should seek the agreement of the Appointing Authority as soon as possible subsequent to the event and inform your immediate superior.

- c) Hospitality during missions

Meals, accommodation and transport which are part of a mission are considered to form part of your duties in the interest of the service. The mission order should cover all predictable offers of hospitality based on the mission programme. The acceptance of hospitality offers – predicted or not – need to be declared in the mission expense statement.

- d) Sensitive situations such as inspections

If you participate in an inspection, you should inform your immediate superior or team leader on an ad hoc basis whenever possible of any hospitality offers. If this is impossible, exercise your individual judgement and act according to the general principles guiding the acceptable of hospitality. Again, you should declare any hospitality in your mission expense statement.

**Procedure to follow:**

- No prior authorisation needs to be requested for hospitality covered under a).
- If you propose to accept an offer of hospitality referred to under b) you should introduce your request for authorisation in Sysper2 – My Ethics file – Ethics request.<sup>3</sup>
- Hospitality accepted in the context of a mission or inspection and not covered by the mission request should be declared in the mission expense statement.

**Legal basis:**

Staff Regulations: Article 11

Conditions of employment applicable to other servants: Articles 11, 54, 81, 124

Guidelines on Gifts and Hospitality, SEC(2012) 167 final of 7.3.2012

---

<sup>3</sup> The Appointing Authority for staff up to HoU level is the Deputy Director General BXL or LUX.



## *Case studies*

1. *In case of a mission, do we have to declare in the mission cost declaration lunches, dinners, light meals, sandwiches or cakes....offered by the organizers?*

Reimbursements to staff are intended to cover all expenses incurred during the mission. If the "snack" corresponds de facto to a meal – so that the staff member does not spend any money for a "real" meal – this offered meal should be stated in the cost declaration. If this meal was so light or in case you were offered a free coffee / soft drink, you had to pay for a "real" meal, there is of course no reason to declare it.

2. *Your unit has to deal on a regular basis with Organisation X. Now they are inviting you and your family for a Christmas dinner in a fancy restaurant as a token of appreciation for the good relationship. How should you react to this offer?*

The hospitality offer (Article 11 Staff Regulations) should be refused because it constitutes a real conflict of interest (Article 11a SR) where authorisation is needed. Not only could the acceptance be seen as compensation for a special service, and not necessarily in the interest of the Commission, but it could also be detrimental to the image of the Commission if perceived as a personal favour.

3. *On the occasion of a mission where Mr X is going to give a speech to an association of lawyers, the organiser (a law firm) would like to invite Mr X and his wife (also working at the Commission) to the reception and a ball. Mr X never had anything to do with the law firm and does not think he will in the foreseeable future. How does Mr X have to proceed?*

Mr X should declare all this in his mission order request and the authorising officer should verify and state that there is no conflict of interest. Concerning the wife, Mr X should ask the authorisation from the Appointing Authority for her to accept it, or at least ask his hierarchy in writing if he can accept it. Mr X's wife should also inform her hierarchy. However, it is more transparent if the wife pays for her participation. It would also be recommendable that she informs her hierarchy.

## FICHE No. 3: DECORATIONS AND HONOURS

### Basic rules:

In general do not accept honours or decorations awarded by an entity outside the Commission, except for services rendered before appointment as an official or during special leave for military service.

This rule also applies to former officials on condition that the decoration or honorific title or is offered in connection with their former duties in the Commission.

If accepted, request prior authorization from the Appointing Authority.

Different types of medals and titles: private medals and orders and orders and medals of a fantasy nature created for profit are not subject to this rule and do not require an application prior to the appointing authority. On the other hand the national orders and decorations awarded by a State and medals awarded by an official authority of a State shall be subject to a request for authorisation.

Criteria on which the decision of the Appointing Authority will be based:

- Consequences for the interests of the institution and the motivation underlying the delivery of the decoration or title;
- The nature of the decoration or title (depending on the two typologies mentioned above).

### Remarks:

Titles and honours - especially if granted by a State - have a symbolic nature which may influence the recipient in favour of the interests of the entity or State which made the award. For this reason, as with the approach with regard to gifts, it is recommended not to accept so that any risk of putting in doubt the impartiality and independence of officials may be prevented. Refusals should be justified on the basis of the existence of ethical standards that must be respected by Commission officials.

### Procedure to follow:

Fill out the appropriate form and have it signed by the hierarchy, send it to Unit SRD.2 for visa, then send it to Unit HR.B.1. The Appointing Authority in this case is the Director-General of DG HR for all grades and functions.

### Legal basis:

Staff Regulations: Article 11

Conditions of employment applicable to other servants: Articles 11, 54, 81, 124.

## FICHE No. 4: PUBLICATIONS AND SPEECHES

### Basic rules:

Outside the normal scope of your service, it is not possible to publish items on topics related to the functions and activities of the Institution without informing the Appointing Authority. In cases where officials plan to publish a text, article or book (whether as sole author or in collaboration with others) or to make a speech (whether published afterwards or not), they are obliged to ask for the prior authorization of the Appointing Authority.

If this situation occurs in the context of service (e.g. a speech or a presentation during a mission), prior authorization is not necessary as it is already covered by a mission order duly signed by your hierarchy. However, if you give a speech outside normal work activities, you must ask for prior authorization.

Please note that the approach adopted with regard to publications and speeches is expanded to any form of public or private communication (e.g. an invitation to take part in a radio or TV programme), even outside the normal work framework, as long the subject is related to areas of EU activities.

It should also be stressed that disclosure of any information which the official has become aware of during the performance of his/her duties but has not been made public is prohibited.

Criteria on which the decision of the Appointing Authority will be based:

- The type of functions undertaken by the Commission official and their domain of activity;
- The contents of the text to be published or speeches to be delivered;
- The possible consequences for the interests of the EU.

With regard to remuneration associated with publications or speeches, two potential situations are possible:

- In the case of publications/speeches that are subject to remuneration, it is necessary to seek permission from the Appointing Authority before accepting such emoluments;
- If they are part of the normal working activities (e.g. speeches/presentations during missions), it is necessary to specify the amount in the mission order or in the declaration of mission expenses. These fees will be deducted from the balance of mission expenses or withheld from wages;

Please note that income due from author's rights ("*royalties*") following publication is not taken into account in the calculations of payment and is not subject to the annual ceiling of 4,500 € concerning the exercise of an external activity (see fiche 4).

**Remarks:**

The guidelines on publications and speeches should not be perceived as an obstacle to the right of freedom of expression of officials. They should rather be seen as evidence of the duties of reserve and of care that should characterize the conduct of officials when they express their opinions, particularly on subjects on which they have worked during the last two years. For any expression of opinion on EU policies the official or agent is strongly advised to proceed *with circumspection* and make it clear that it is a personal opinion.

Even if you do not require permission for publications and/or speeches that do not relate to professional or European issues one should bear in mind that they can be considered an outside activity (therefore subject of application for authorization, see fiche 4). If, in addition, you signed a contract for the publication and/or if you receive remuneration, prior authorization to accept is indispensable (see fiche 4).

**Procedure to follow:**

It is important to provide all the information necessary to enable the Appointing Authority to take the right decision: a copy of the text should be attached to the application or presented in electronic form; if the text is very long, a summary of the publication must be presented in one of the Commission's working languages.

The Appointing Authority's decision is normally issued within 30 days. The absence of a written response from the Appointing Authority within 30 days of receipt of the application form constitutes acceptance of the request.

- *Publication/speech without remuneration:*

Fill out the appropriate form and have it signed by the hierarchy and the Appointing Authority<sup>4</sup>, then send it to SRD.2 for visa. A copy of the signed form should be sent to DG HR B.1 (the original is kept by the official).

- *Publication/speech with remuneration:*

Fill out the two appropriate forms (authorization to publish an article/ speech and authorization to accept a payment), have them signed by the hierarchy and the Appointing Authority<sup>4</sup>, then send them to SRD.2 for visa. A copy of the signed forms should be sent to DG HR B.1 (the original is kept by the official).

**Legal basis:**

Staff Regulations: Articles 17 and 17bis, paragraph 2

Conditions of employment applicable to other servants: Articles 11, 54, 81 124

---

<sup>4</sup> Authorization for publications/speeches with or without remuneration: For staff up to HoU level, the Director General of DG ENER is the Appointing Authority.  
Authorizations to accept remuneration: For staff up to HoU level, the Appointing Authority is respectively the Deputy Director-General in Brussels and the one in Luxembourg.

## ***Case studies***

### ***1. The Law Review***

*A colleague wrote an article for an international law review. The article draws both on findings from his work in the Commission as on additional research in his spare time. The article was written largely outside working hours. He informed the hierarchy of his intention to publish and no objections were raised against the publication of the contents. The editors of the magazine now offered him a payment of 400 € for his contribution to the article. How shall he react?*

#### ***Reaction***

The colleague is expected to introduce a request for publication (Article 15 SR) indicating the payment. In this case it does not exceed the net annual ceiling of 4,500 €, that applies to work undertaken outside the Commission but it has to be declared in any case. He should also add a disclaimer as he is writing in his private capacity.

### ***2. The blog***

*A staff member started an internet blog on an external web server. The site was spotted by colleagues. Some of them took offence at its contents; considering the blog to contain explicit sexist and racist remarks. In addition, the staff member does not hide the fact that he works for the Commission and even shows some pictures of his work environment. Can the staff member do this?*

#### ***Reaction***

Blogs, facebook, websites or chats or similar new media fall under the same principles as e.g. applied in the case of publication.

The following principles apply: 1) the official has the right to freedom of expression (Article 17a(1) of the SR), with due respect to the principles of loyalty and impartiality; 2) whatever the nature or the medium of the publication (see above), the official should never sign as official or indicating his function; 3) in case of any link with his official functions or duties or the work of the Communities, the official is required to inform the Appointing Authority in advance under Article 17a(2) of the SR. Even in case of no objections, a disclaimer should be used; 4) in any case, and irrespectively of the media used, the writer is bound to respect the ethical principles reflected in the SR, i.e. and especially in the Articles 17a(1) and 12 (dignity).

In the above example, the staff member is clearly in breach of the rules and principles of the SR, abusing also the right to freedom of expression.

## FICHE No. 5: EXTERNAL ACTIVITIES

### Basic rules:

In principle, holders of a special identity card (which constitutes a privilege for EU staff) are not allowed to work other than in regard to the function for which they were hired by the Commission. Thus, the exercise of an outside activity (even if not paid) or of a mandate (see 5) outside the European Institutions is always subject to a prior request to the Appointing Authority.

This rule also applies to former officials and staff on CCP. It continues to apply to those who have left the service for a period of 2 years after ceasing their functions<sup>5</sup>.

The basic rule is to distinguish between external activities that give rise to remuneration and those that do not. Voluntary activities as well as charity and educational activities which do not entail the exercise of a profession are normally allowed.

Many other activities - even unpaid ones – are not accepted: these include outside activities which are regarded as a profession, activities within a company or commercial entity and even educational activities if they exceed 100 hours per school year.

Criteria on which the decision of the Appointing Authority will be based:

- The nature of the activity, which must be in compliance with the code of conduct for officials;
- The interest of the activity for the Commission;
- The possible effects on the performance of the official if he/she is still working for the Institution;

In the case of a gainful activity the maximum net earnings allowed (cumulative of all outside activities) are 4,500 € per year per staff member (amounts exceeding this limit must be repaid to the Commission). The reimbursement of transportation is not taken into account for this ceiling.

In case of outside activities during CCP (special leave on personal grounds) (see fiche 10) the official may not deal with files that he/she has dealt with during the three previous years of service in the Commission. Similarly, they may not attend meetings nor have professional contacts with their ex-DG or Service for 6 months (or 1 year if they are members of the middle or senior management of the DG).

### Remarks:

If on one hand, the pursuit of outside activities can foster the acquisition of useful skills either for the official or for the institution, it is also imperative to avoid any conflict of interest or

---

<sup>5</sup> This obligation also applies to temporary agents; contract agents are only obliged to respect this if they had access to sensitive information.

any risk of bringing into question the integrity and independence of the official that would be susceptible to prejudice Commission interests.

For this reason requests for prior authorisation should not be considered a simple administrative formality but should be handled with great care. The Appointing Authority should be provided with the evidence necessary to make a fully informed decision thereon. The critical aspect of this analysis will undoubtedly be the examination of possible links between the functions exercised in the Commission and the activity or function that the official will perform outside the institution, as well as the possible relationship between the Commission and the body within which the external activity would be exercised.

In fact the preoccupation with the pursuit of external activities is such that the obligation to request prior authorization remains even in situations of no activity (e.g. CCP or retirement) and after the end of a contractual relationship with the Commission. This highlights the duty of loyalty to the institution and strengthens the relationship of trust between the official and the institution.

**Procedure to follow:**

Go to Sysper2 – Ethics – My Ethics requests. Fill in all fields marked with an asterisk\*.<sup>6</sup>

Make the application at least two months before the start of the activity or mandate.

The decision of the Appointing Authority shall be taken within one month after receiving the request. Authorizations are granted for a maximum period of one year. In case of extension or renewal of the mandate or activity a new application must be submitted.

In cases of unpaid activity with a clear interest for the EU it is possible to obtain special leave for half of the days in question (up to a maximum of 12 days a year).

**Legal basis:**

Staff Regulations: Article 12b

CEOS Articles 11, 54 and 81

Commission Decision of 28 April 2004 regarding external activities and mandates; C(2004) 1597 (see link in annex).

---

<sup>6</sup> The Appointing Authority for staff up to HoU level is the Deputy Director General BXL or LUX.

## ***Case studies***

### **1. Board of Advisors**

*A senior manager in your DG has been invited to become a member of the advisory board of a major European research organisation. Your DG works closely together with this organisation, as its objectives are in line with EU policy. At the same time, the organisation submits regularly to your DG proposals for projects subsidised by EU funding. These proposals are in competition with projects from other players in this field. Should the invitation be accepted?*

#### ***Reaction***

The official should ask for permission for such an activity under Article 16 SR, especially if his participation is of a permanent nature.

The invitation should not be accepted as there seems to be a clear conflict of interest regarding Article 11a SR (requires a declaration as for the treatment of the submitted proposals). Even though the official is not asked to pronounce himself directly on the project proposals, the acceptance would result in apparent conflict of interest, which must be avoided.

### **2. Petty service**

*Your father is the baker in a village near Brussels, and you help him in the shop every Sunday morning. You don't get paid for it. After answering the Ethics Day survey on ethical behavior and rules, you start wondering whether you should file a request for outside activity. On the other hand, you look at this as minor help you give in a family context.*

#### ***Reaction***

According to Article 12b SR, “an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Communities, shall first obtain the permission of the appointing authority”. This obligation to seek permission for outside activities “applies without exception and makes no distinction of the nature or importance of the activities or assignment concerned. It is therefore solely for the appointing authority ... to evaluate the characteristics of the activity or assignment when considering the request for permission” [the new decision on outside activity seeks to give automatic permission in such cases based on the declaration of this activity].

### **3. Leisure activity**

*An official is fascinated by the idea of restoring historic steam trains. In the evenings and during the weekends, the official is member of a club who prepares these trains to run again. Due to his activity he becomes a well-known expert in this field. He is invited to presentations and to deliver speeches on his private activity. He also starts publishing a book and a website on his hobby.*



*What are the ethics issues surrounding this situation?*

*Reaction*

There seems to be no real link (other than the issue of trains) between the official's duties and the private activities and thus no conflict of interest under Article 11a SR), neither as regards the publications regarding this private activity in journals (under Article 15 SR), but he/she must not sign an article as an official of the Commission. At first glance, it does not seem that this private activity requires an authorisation for outside activity under Article 16 (see new decision).

#### **4.     *The IT specialist***

*A new staff member arrives at the Commission. This person is an IT specialist who worked for a software consultancy firm. Is it possible for him to continue to work with his old clients during the weekends?*

*Reaction*

He is obliged to ask for authorisation of an outside activity (Article 16 SR). The Appointing Authority will examine the request especially regarding the question of the commercial character (or not) profession of this activity.

#### **5.     *My second job***

*A new colleague in your unit wonders if she could not continue in her spare time to work on projects from her former employer. As a contract agent she considers that these assignments increase her chances of employability after leaving the Commission. What would you advise your colleague?*

*Reaction*

CAs are bound by the same ethical rules as officials. An outside activity has to be declared under Article 12a SR. There might also be an issue of conflict of interest (Article 11a SR) which has to be declared as well. The notion of 'spare time' could indicate that the activity is being carried out simply during office hours. Such a request would normally be refused. It should be stressed that non-respect could give rise to disciplinary measures under Article 86 SR.

## FICHE No. 6: MANDATES AND PUBLIC OFFICE

### Basic rules:

The exercise of a mandate or a public office (paid or unpaid) outside the Institution is always subject to prior approval by the Appointing Authority.

If you wish to stand for public office you must notify the Appointing Authority. The Appointing Authority will decide on your administrative status in the period up to the date of your election or appointment, i.e. they will decide whether you must take CCP (leave on personal grounds) or annual leave or whether you can work part-time or continue to work without change to your working hours.

If you are elected or appointed to a position, you must notify the Appointing Authority without delay. Once your hierarchical superiors have given their opinion, the declaration of appointment or election goes to the Appointing Authority who will decide on your administrative status throughout your term of office (see above).

Criteria on which the decision of the Appointing Authority will be based:

- The type of mandate and the nature of public office to be filled following appointment or election; e.g.
- The duration of the mandate or the public office to be exercised and whether it takes place during working hours;
- The possible effects on the performance of official will influence the decision on possible CCP, part-time work, annual leave or remaining on active service in the Institution;
- The net remuneration of a paid mandate or function: the maximum net earnings for the exercise of mandates or public office is set at 4,500 € per year (amounts beyond this ceiling shall be repaid to the Commission).

### Remarks:

An official who is elected or appointed to public office who takes CCP must apply for permission to extend or renew it as necessary. This must be done as per applications for CCP. The maximum annual net earnings allowed for external activities are not taken into account in the case of officials in CCP.

Officials on CCP may not deal with the subject that they have dealt with during their three previous years of service in the Commission. Similarly they may not attend meetings nor have professional contacts with their ex-DG or service for 6 months (or 1 year if they are members of the middle or senior management of the DG). See also fiche 10.

Officials who receive prizes or remuneration for a mandate must seek permission to accept this from the Appointing Authority, regardless of the value of the prize or remuneration. Such authorization will be denied if the prize or remuneration is incompatible with the interests of the Institution or endangers the independence of the official.

**Procedure to follow:**

At least two months before the start of the activity or mandate, fill out the declaration of candidature for public office, have it signed by the hierarchy, send it to SRD.2 for visa, then send a copy of the signed form to the Appointing Authority<sup>7</sup>.

The decision of the Appointing Authority shall be taken within one month after receiving the request. Authorizations are granted for a maximum period of one year. In case of extension or renewal of the mandate or activity a new application must be submitted.

**Legal basis:**

Staff Regulations: Articles 12b and 15

CEOS: Articles 11, 54 and 81

Commission Decision of 28 April 2004 regarding external activities and mandates; C(2004) 1597).

**See also Case Studies under Fiche 4**

---

<sup>7</sup> The Appointing Authority for staff of all grades and functions is the Director General of DG HR.

## FICHE No. 7: MISSIONS

### **Basic rules:**

All travel must be planned in advance in agreement with the hierarchy, and encoded in MIPS, the system for processing missions. The mission order shall contain all the information required and the person going on mission must keep the supporting documents (invitation etc.). Similarly, in the detail of the mission expenses ("*décompte de frais de mission*") you have to declare, for instance, if meals were offered by the organizers and the related amounts will be then deducted from the mission allowance.

Missions where the cost of travel and/or lodging is borne by the organisers may be accepted when they concern events that represent a real interest for the institution and when there is no risk that the independence or impartiality of the official can be put in doubt. Such mission requests must be scrutinised by the hierarchy with particular care, on a case-by-case basis, considering among others the context, the nature of the entity offering to bear the costs (public/private) and their link to the Commission,.

Any compensation received in exchange for work performed in the framework of the service (e.g. participation in conferences or presentations during missions authorised by the Appointing Authority) must be declared. If, by way of compensation, the cost of the mission is reimbursed by the organization for which the official gave a presentation or participated in a conference, this must be declared and deducted from the declaration of costs of the mission. In any case, this situation must be brought to the attention of the hierarchy.

### **Remarks:**

Any invitation to participate in events for which the organisers are willing to bear the costs of travel and/or lodging should be treated with utmost caution.

Please see also fiches n° 1 and n° 2 on gifts and hospitality.

### **Procedure to follow:**

Respect the administrative procedure intended for missions.

**Reference documents:** Missions guide

## *Case Study*

### *Missions*

An important association of the oil sector is organizing a conference in London and asks you to make a speech. Travel and accommodation expenses are provided in a luxurious hotel and you even have the possibility of taking someone. You will not receive any financial remuneration for the speech.

This is an annual conference organized by the sector and which is always well attended. It would therefore be an excellent occasion to make a speech on the principal elements of EU policy, for the oil sector, to a large audience. Considering the media coverage surrounding this event, it may be possible that interviews with the media are scheduled. What should you do?

Accept the original invitation (travel and accommodation expenses paid by the organizer) or limit oneself to agreeing to make the speech? And what should one do if interviews are scheduled?

- *Preliminary questions:*

*Is my participation of interest to the Communities?*

*Is there a conflict of interest in the event of acceptance?*

*How will this "generous" invitation be perceived?*

*Where does the invitation come from?*

An invitation for mission without expenses, such as that of the case study in analysis, must always be discussed beforehand with your immediate superior. This type of invitation may only be accepted following consultation of your hierarchy, who will be able to give their agreement on the basis of the following considerations.

If it comes from an association at European level or an official invitation from a Member State, the degree of risk is more controllable. However, the payment of all expenses by the Commission remains preferential, but there can be situations (e.g. when the organizer makes the accommodation reservation for the participants) where the assumption of responsibility for the costs of the hotel, by the organizer, can be accepted.

If this involves a conference organised by a private company, the Commission should assume all expenses.

But, in view of the possibility of lobbying either on the part of certain private companies or of certain Member States, the risks specific to each situation and, the context in which the invitation was given, must be evaluated (e.g. the invitation is made by certain Member States in particular or at the precise time that legislation, affecting in particular the field of work of the company in question, is about to be adopted, etc). In any event, the treatment offered to the personnel of the Commission should not be favoured in relation to that given by the organizers to other participants.

- *Are there frequent invitations?*

It is important to take account of the regularity of the invitations made by the same organizer: if the invitations by the same source are recurring, it will be necessary to evaluate the real interest for the Commission and to examine the existence of conflicts of interest.

The identification of all the risks, and reflection on possible negative perception ('duty to be circumspect') should always be carried out, especially as regards hospitality. For this reason, these cases must always be discussed with the hierarchy, including the Director.

Still looking at the acceptance of an invitation to take part in a conference, this case study illustrates another potential situation: the participation of officials as speakers at events in which the other participants pay a registration fee. In this case, the general rule consists in not accepting, because the participation of officials should not in any way contribute to generating profits for the organizers. Exceptions – limited - to this rule can be accepted by the hierarchy if there is a strong interest for the Communities (e.g. the possibility of addressing an important audience, etc).

- *Invitation to a partner:*

If the invitation extends also to a partner, who may have family ties with the official (spouses, etc), prudence is required: The risks of negative perception are too high and should give rise to any suspicion of conflict of interest. Preferably, partners should not accompany the official but if they do so, they have to assume the costs completely and the official has also to inform his hierarchy. If the invitation to the spouses includes a "social" program sent to all partners (e.g. cultural visits, etc), this should be done transparently by an organizing body.

- *Contacts with the media:*

**Please consult Fiche No. 7.**

## FICHE No. 8: CONTACT WITH THE MEDIA AND PUBLIC IN GENERAL

### Basic rules:

In principle contacts with the media are the responsibility of DG COMM. The spokesperson designated by the Cabinet is responsible for contacts between the media and the Commissioner responsible for that DG. However, you may be asked to give an opinion with regard to questions of a more technical nature, or details about your files, and to provide follow-up with due diligence.

In compliance with the duty of reserve to which the civil servant is subject by the Staff Regulations, information that has not been made public or is not accessible to the public cannot be transmitted.

The Communication Unit must be kept informed of any contacts with the media. This is necessary to ensure that an overview of the contacts with the media, or only one aspect of it, is available, as no other unit will be aware of similar contacts elsewhere in the DG.

It is excluded for an official to take the initiative to contact the press directly.

The **Code of Good Administrative Behaviour**, which stipulates the rules on relations with the public is applicable to all staff covered by the Staff Regulations but should also be a reference point for all personnel under private law contracts, *ENDs* and *stagiaires*.

The principles of good administration are legality (the application of EU rules and procedures), non-discrimination and equal treatment (similar cases receive equal treatment), proportionality (measures should be proportionate to the objective), and consistency in administrative practice by the Commission.

Guidelines for good administrative behaviour for staff in their relations with the public are objectivity and impartiality (conduct guided by EU interest and the public good), and adequate treatment of requests for information from the public (response in-time).

### Specific rules in handling public inquiries:

1. Requests for documents: if a document is published or accessible it may be forwarded to the applicant or details must be given on where to find it and how to gain access to it.
2. Correspondence<sup>8</sup>: an answer in the same language as the original letter (if it is written in an official language) shall be sent within 15 working days after the date of receipt (with reference to the responsible person and their contact details). If necessary send a holding reply (specifying the new response time in relation to the complexity of the issue where it involves further research, the need for translation, or interdepartmental consultation).

---

<sup>8</sup> These dispositions do not apply to abusive, repetitive, outrageous, or pointless correspondence that can legitimately be discontinued by the Commission.

3. Telephone communications: Always ask for the identity of interlocutors but also enquire about whom precisely they represent (in particular in the case of lobbyists or lawyers). Ask also for a written confirmation of the request and provide information on matters directly within your competence (as long as this is done in compliance with the interest of the institution); otherwise, send the call to other departments or to your superior (if in doubt, consult your superior before providing information), if necessary you may request a written confirmation of questions addressed to you by telephone.
4. E-mail: the rules are similar to those regarding telephone communications (see above); if the contents of an e-mail are more like that of a letter follow the instructions for treatment and delays for correspondence (see 2 above).

**Remarks:**

Given the media coverage of certain statements that may be misinterpreted out of context and that are harmful to the image of the institution, you are advised to proceed with great caution if you are directly contacted by journalists. Your duty of discretion and caution is needed in these cases and you need to be aware of the negative impact that poor conduct on your part can lead to either for the Commission or for the reputation of its staff.

As an official of the European Commission you are at the service of European citizens, therefore when dealing with the public, you should ensure that their requests are followed up in a correct, proper and timely manner. However you should take the time to check if the information is in the public domain before divulging it - if you have any doubts about the EU interest in transmitting information, please feel free to discuss this with your hierarchical superiors.

**Procedure to follow:**

If contacts are envisaged beforehand, contact your spokesperson for more precise instructions. If contacts are unforeseen, restrict yourself to talking about EU policy specific to your sphere of activity and disclose only public information. Contacts with the media are an important problem especially for young officials who, not knowing how to manage the situation, can be caught out (they must be warned of the possibility and coached).

Moreover, these contacts may be the occasion for certain journalists to try to include officials in their information network in order to have access to privileged information: this must be reported to the spokesperson.

Stay "neutral" if you are directly contacted by journalists and direct them to the relevant services in a courteous manner. Do not forget to bring the situation to attention of your Head of Unit and Unit ENER.A.2, who will take preventive measures if necessary (such as to alert the competent services in advance of possible further contact from the media, thus preparing the ground for the type of feedback to give, etc.).

**Legal basis:**

Article 17 of the Staff Regulations;

Commission's Rules of Procedure.

Code of good administrative behaviour for staff of the European Commission in their relations with the public (decision of 17 October 2000 - 2000/633/EC, Euratom ECSC).



## ***Case Study***

### ***Cocktail bar***

*On mission, one of your colleagues is drunk at a popular pub near the ministry where official Commission meetings take place with national authorities. He behaves appallingly, throws a pint of beer through a window, discloses confidential information about the state of play of the meetings to a local journalist and swears loudly at the barkeeper. What could be the consequences of this behaviour?*

### ***Reaction***

The consequences of such behaviour are harmful to the image of the Commission as an institution. The colleague is in breach of Article 12 SR, i.e. the requirement to refrain from any action or behaviour which might reflect adversely upon his position, as well Article 17, which requires the official to refrain from any unauthorised disclosure of information received in line with his duties. Non-compliance with these obligations can lead to disciplinary procedures (Article 86 SR). According to Article 22a, you should report this incident, despite an understandable reticence to do so.

*What could be the consequences of this behaviour?*

Two basic issues arise: on the one hand, the failure to respect the dignity of the office and on the other, the transmission of confidential information. It is not a challenge to freedom of expression, but it is a question of duty not to disclose confidential information. Even in a context not directly related to the functions performed at the Commission, free speech is to behave, with a sense of loyalty and discretion that the dignity of the office requires. In regard to transmission of information, it is important to bear in mind the risk of adverse "treatment" of information in general (even if it is not confidential): the risk that such information is taken out of context and twisted/changed from the original meaning.

## **FICHE No. 9: CONTACTS WITH LOBBIES AND OTHER INTEREST GROUPS**

### **Basic rules:**

In general the same rules apply in these cases as the rules for contacts with the public. The guidelines regarding the transmission of information and/or documents are especially important in these cases.

### **Remarks:**

In a DG such as ours, there are numerous contacts with organizations representing professional sectors. The working relationships that develop with counterparts from these interest groups must remain objective and impartial, keeping in mind that one should always safeguard EU interests. In addition it is necessary to ensure that one's interlocutors feel that they are being treated on an equal footing, as indeed they should be.

Even if these working relationships are positive and constructive, the official must under no circumstances be influenced by private interests or a Member State in carrying out their duties and in the decisions that they need to take as a Commission official. The contacts that you establish, as a representative of this DG in the framework of a relationship between the Commission and the Member States, must not lead to problems.

In the same way as the approach adopted to gifts and favours, you are the person who is best able to judge how to manage relationships with lobbyists and, if you have the slightest doubt, you should talk to your hierarchy who will guide you in a concrete way on how best to act, based on their actual experience in the unit. If you feel "under pressure" or feel restricted in your daily work, it may be the appropriate time to change your responsibilities. Anyway, it is strongly recommended that this kind of contact takes place in the office during normal working hours. Moreover, in order to promote openness and transparency, you should provide interest representatives and stakeholders with information on the European Commission's Register of interest representatives and invite them to sign up to it.

### **Legal basis:**

Article 17 of the Staff Regulations

Manual of Operational Procedures of the Commission

## ***Case Studies***

### ***1. Exchange of information***

*One of your sector heads is working on an important proposal for new policy, a major priority for your unit. She still has to do an impact assessment and fears that it will be difficult to find relevant data in time. A lobbyist, who claims to represent the interests of industry in your area, offers to provide her with data, if she can keep him well informed about the progress made with the new proposal. Can he/she accept?*

#### ***Reaction***

There is a certain interest of the service in receiving the required information from the outside source. There can however be not any exchange of information. The Staff Regulations do not allow officials to disclose unauthorised information, unless the information has been made public or is accessible to the public (Article 17 SR). Moreover data transmission must be done transparently and without giving preferential treatment to certain actors. It is important not to feel trapped for the sake of politeness and courtesy towards the others: a trick to mark your territory; e.g. the environment and conditions under which the meetings with representatives of the lobbies take place (contacts with external actors should be held wherever possible in your office and during normal working hours).

In any case, the accuracy of the information received must be verified and their source (e.g. the data produced by a European association representing a sector will in principle be more reliable than those of a private company).

Therefore, in the case study, the principles of transparency, proportionality and equal treatment are applied when making the risk assessment.

### ***2. On secondment***

*A seconded national expert works in view of his expertise on proposals for EU funding relating to his own member state. As your service is seriously understaffed and no one else is available, it is proposed that the "END" go on mission to his country and to discuss the proposals with the authorities on the spot. Is this allowed?*

#### ***Reaction***

This is an administrative dilemma. The fact that an END deals with proposals regarding funding for his own member state may create a conflict of interest if in competition with other proposals from other countries. Everything depends on whether there is a link between the technical expertise provided and the decision making process or not.

While the END is bound by the same or similar rules of conduct or ethical requirements as an official (Article 6 of END decision), such potential conflicts of interests should be avoided.

## FICHE No. 10: CONFLICT OF INTEREST

### Basic rules:

It is necessary to distinguish between two situations with regard to preventing potential conflicts of interest with relevance to an official's private life:

- With regard to spouses/partners: the official must declare the professional activities of their spouse or partner to the Appointing Authority if it is lucrative, if it is related to the work of the official or if the spouse's employer has clear links with the Commission.
- With regard to any personal interests, an official cannot deal with issues in which they have a direct or indirect personal interest (the interest of their family or spouse or partner, etc.) that could compromise their objectivity and independence. If there is the slightest doubt, it is necessary to make a statement to the Appointing Authority.

Criteria on which the decision of the Appointing Authority will be based:

- The link between the content of the activity of the official, the private interest (including those of their family and spouse or partner) and the consequences for the interests of the Institution;
- The grounds for which you feel that your independence may be threatened;
- The contents of the activity of your partner or spouse, including financial or contractual relationships between the Commission and the employer of a spouse or partner and the nature of its relationship with the work of the official;
- The possibility of alleged bias against the official or the risk of being accused of losing their independence.

In case of incompatibility with the work carried out by the official, the Appointing Authority may decide to change his/her duties or transfer him/her to another job.

### Remarks:

The precise definition of potential conflicts of interests is not easy to establish, not only because the situations covered are numerous and vary greatly depending on individual cases, but also because the assessment by the Appointing Authority of the type of interest involved can be very complex.

With a view to anticipating future problems and to preventing actual conflicts of interest that may adversely affect the reputation of the official and the image of the Institution, officials are strongly advised to signal in advance to their hierarchy any situations in which they feel there could be potential conflicts of interest. In doing so, the officials demonstrate that they have behaved in a responsible and upright manner and provide the opportunity for the Appointing Authority to judge the situation on the basis of information provided in the light of other similar cases in the Commission in order to take the best informed decision on the case in question.

**Procedure to follow:***Conflict of interest*

It is necessary to complete the appropriate form get it signed by your hierarchy and the Appointing Authority<sup>9</sup>. A copy should be sent to DG HR.B.1.

*Activities of spouse or partner*

Fill in the appropriate form and get it signed by the hierarchy and the Appointing Authority<sup>10</sup>. A copy of the completed form should be sent to DG HR.B.1.

**Legal basis:**

Articles 11a and 13 of the Staff Regulations

Articles 11, 54, 81 and 124 of the CEOS

---

<sup>9</sup>

The Appointing Authority for all staff is the Director General of DG ENER.

<sup>10</sup>

The Appointing Authority for staff up to HoU level is the Director General of DG ENER.

## ***Case Study***

### ***The job of the spouse***

*You are involved in the selection process of a big contract and you know that the spouse of your colleague recently obtained a key position in the company that is a serious contender to win the contract for the project. Your colleague has a crucial role in the process to award the contract. She feels uneasy with the situation and asks you for an advice on what to do.*

What would you advise?

This is a clear case of conflict of interest regarding Article 11a SR (direct or indirect personal interest) as well as of Article 13 SR regarding the obligation to declare the gainful activity of a spouse. You should therefore advise your colleague to withdraw from participating in the procedure or to declare the conflict of interest (Article 52 Financial Regulation). In case the colleague does not react, you have to inform the hierarchy according. Despite the understandable personal dilemma, not doing so would expose yourself to disciplinary procedures under Article 86, as you are in breach of Article 22a obliging you to report any illegal activities.

## **FICHE No. 11: TERMINATION OF SERVICE OR LEAVE ON PERSONAL GROUNDS ('CCP')**

### **Basic rules:**

#### **- Termination of duties**

A former official or agent who has ceased their activities in the Institution (due the end of a contract, resignation, early departure or retirement) or staff on CCP shall continue to fulfil the duties of honesty and sensitivity that have characterized their professional life when they were working in the Commission.

They also remain subject to the duties of reserve and of confidentiality and cannot disclose information linked to their functions, unless the information has been made public or is accessible to the public.

Similarly, the rules on gifts and hospitality (see fiches 1 and 2) as well as decorations and honours (see fiche 3) apply to former officials and other servants provided that the delivery of a gift or title is in connection with the duties they undertook at the Commission. If accepted, request prior authorization from the Appointing Authority, who shall decide on the basis of the criteria specified in the fiches mentioned above.

If officials intend to exercise an activity after leaving the service, such activities must be compatible with EU interests. In order to enable DG HR to assess the compliance of the former official or agent's situation with regard to the rules, it is imperative to introduce a request for permission to exercise an activity after departure from the Commission. This obligation<sup>11</sup> is valid for a period of two years from the date of termination of functions (see fiche 5).

The beneficiaries of a disability pension are not in any case allowed to engage in gainful employment, except where the Appointing Authority decides otherwise.

#### **- Leave on personal grounds (CCP)**

In principle CCP is not incompatible with the exercise of a professional occupation since one of the motivations underlying CCP is to obtain new professional experience. However, an official or agent on CCP should always apply for prior authorization (see fiche 5).

In case of external activities during CCP in principle the official cannot deal with cases which they dealt with during their last 3 years of service at the Commission. Similarly they cannot attend meetings nor have professional contacts with their ex-DG or service for 6 months (or 1 year if they were in a management position in the DG).

Please note that in its evaluation of potential conflicts of interest in these rather sensitive situations regarding work related to functions exercised in the Commission, the

---

<sup>11</sup> This does not apply to former contract agents unless they had access to confidential information.

Appointing Authority may impose compliance with other conditions depending on the individual case and with regard to the characteristics of the work in question.

With regard to the exercise of a political mandate and of an appointment to a public office, the Appointing Authority may even consider it essential that the staff member takes CCP (see fiche 6). The duration is normally the period covered by the CCP which would have been granted specifically to support the mandate or function in question, following the examination of the compliance with the interests of the Union and the absence of conflicts of interest.

**Notes:**

Concerns about ethics are so important that expectations with regard to impeccable behaviour in the interests of the Union persist even after termination of duties. In fact, it is legitimate to expect that the values attached to this new culture of integrity become so internalized by those who had a career within the institution that reflexes to request the Appointing Authority prior to specific authorizations for certain situations seem "natural".

With regard to carrying out professional activities during CCP, the goal is to avoid potential conflicts of interest. With regard to former officials the aim is rather to ensure that they maintain a standard of ethical behaviour above all suspicion and respect fundamental EU interests.

**Procedure to follow:**

*Termination of service*

Fill out the appropriate form providing all the necessary details on the functions during the past 3 years of work at the Commission and on the envisaged new activity. Send this form to the Appointing Authority<sup>12</sup> who will, among others, consult your DG of origin. The Appointing Authority has 30 days to notify its decision.

*External activities during CCP*

Go to Sysper2 – My Ethics file – Ethics requests.

If you prolong your CCP a prior request to carry out the activity in question should again be presented to the Appointing Authority, even if it is the same activity as the one which has already been authorised. If you change activity during CCP, it is necessary to make a new request.

**Legal basis:**

Staff Regulations: Articles 16, 17 and 19

CEOS: Chapter 2

Decision of 28 April 2004 on outside activities and mandates (C 2004-1597)

---

<sup>12</sup> The Appointing Authority for all staff is the Director General of DG HR.



# **ANNEXES**

## **REFERENCE OF RULES AND APPLICABLE LAW**

*Staff Regulations*, in particular Titles II and VI

*Code of good administrative behaviour* (relations with the public)

*Manual of operating procedures*

*Communication from Vice-President Kallas to the Commission on the Environment for enhancing professional ethics in the Commission - SEC (2008) 301 final*

*Internal control standards*, in particular standard 2 regarding ethical values in SRD MOVE/ENER

*Commission decision of 28 April 2004 on outside activities and assignments, C(2004) 1597/10 - AN 85/2004 of 29 June 2004*

*Guidelines on Gifts and Hospitality for the staff members – SEC (2012) 167 final*

### **Financial issues**

*Financial regulation and implementing rules*

*Practical Guide to staff ethics and conduct prepared by DG HR & Security*

### **Other useful links**

*Publications and speeches*

*Gifts*

*Conflicts of interest*

*European Commission's Register of interest representatives*

*External activities*

*Professional activity after leaving the service (end of contract, retirement, CCP)*

*Guidelines for all staff on the use of social media, Administrative Notice N° 34-2011 of 19.08.2011*

*Practical Guidance for staff wishing to engage in volunteer activities  
Administrative Notice N° N° 22-2011 / 12.05.2011*

*Guidelines for 'Staff as Ambassadors'*

COMMUNICATION FROM VICE-PRESIDENT KALLAS TO THE COMMISSION ON  
ENHANCING THE ENVIRONMENT FOR PROFESSIONAL ETHICS  
**(document SEC (2008) 301 final)**

## **ANNEX**

### **STATEMENT OF PRINCIPLES OF PROFESSIONAL ETHICS**

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. Staff 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.

# COMMISSION DECISION ON OUTSIDE ACTIVITIES AND ASSIGNMENTS

AN° 85-2004 / 29.06.2004  
Brussels, 28.4.2004  
C(2004) 1597

## COMMISSION DECISION

### on outside activities and assignments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of Officials of the European Communities, and in particular Article 1c, the second paragraph of Article 11, Article 11a, Article 12, Article 12b, the second paragraph of Article 15, Article 16, Article 17, Article 17a, Article 19, the first paragraph of Article 55 and article 13 and 40 of Annex VIII thereof, and to the Conditions of Employment of Other Servants of the Communities, and in particular Articles 11, 16, 54, 57, 81 and 91 thereof;

Whereas in the interest of transparency the provisions governing permission to engage in an outside activity and assignment should be incorporated in a single measure indicating in detail which factors have to be taken into account when taking a decision on such permission;

Whereas the Commission, in the context of the reform process, has decided to encourage external mobility to enable officials to acquire new skills and knowledge which are of benefit both to the officials themselves and to the institution;

Whereas the present rules are intended to prevent conflicts of interest from arising, without imposing unreasonable restrictions on officials' outside activities,

HAS DECIDED AS FOLLOWS:

#### [Article 1](#) - Definition

#### **Chapter 1 - Officials in active employment (Article 35(a) of the Staff Regulations)**

[Article 2](#) - Assignments and outside activities

[Article 3](#) - Exercise of a public office

[Article 4](#) - Activities carried out in the framework of a mission

[Article 5](#) - Voluntary work

[Article 6](#) - Educational activities

[Article 7](#) - Professional activities

[Article 8](#) - Commercial activities

[Article 9](#) - Maximum net remuneration

[Article 10](#) - Prizes and awards

[Article 11](#) - Special leave

[Article 12](#) - Period of validity

[Article 13](#) - Officials working part time

#### **Chapter 2 - specific provisions for officials on leave on personal grounds (Articles 35(c) and 40 of the Staff Regulations)** **GENERAL PROVISIONS**

[Article 14](#) - Permission for outside activities or assignments for officials on leave on personal grounds (Article 12b of the Staff Regulations)

[Article 15](#) - Consultation of the Director-General for Administration and Personnel

#### **SPECIFIC PROVISIONS**

[Article 16](#) - Work dealing with active service in the Commission

[Article 17](#) - Contracts with the Commission

#### **Chapter 3 - officials having left the service of the European Commission**

[Article 18](#)

#### **SPECIFIC PROVISIONS FOR CERTAIN GROUPS OF FORMER OFFICIALS**

[Article 19](#) - Former officials receiving a retirement pension or on non-active status or retired in the interests of the service

[Article 20](#) - Former officials receiving an invalidity allowance or invalidity pension

## 🦋 Chapter 4 - Temporary staff

[Article 21](#)

## 🦋 Chapter 5 - Final provisions

[Article 22](#) - Former decisions

[Article 23](#)

### *Article 1 Definition*

For the purposes of the present decision

1. "Public office" means any public office, paid or unpaid, that is filled following an election or otherwise;
2. "Assignment" means the taking-on of a defined, time-limited task;
3. "Outside activity" means any other activity, paid or unpaid, that is of an occupational character or goes otherwise beyond what can be reasonably considered a leisure activity.

### **Chapter 1 Officials in active employment (Article 35(a) of the Staff Regulations)**

#### *Article 2 Assignments and outside activities*

Officials in active employment or secondment wishing to engage in an assignment or outside activity within the meaning of Article 1 of this Decision must request permission from the appointing authority pursuant to Article 12b of the Staff Regulations. Applications, accompanied by the necessary supporting documents, must be submitted through their immediate superiors, where possible, 2 months before the beginning of the activity or assignment. The appointing authority shall respond to this request within 1 month of receipt of the application.

#### *Article 3 Exercise of a public office*

1. Officials that are elected or appointed to public office and who continue working are subject to the obligations that normally apply to officials. By way of exception, any payment made to an official in that connection shall not count towards the ceiling for net remuneration set out in Article 9 of this Decision.
2. Officials who are elected or appointed to public office and who take leave on personal grounds in order to fill it shall require prior authorisation for assignments or outside activities that are not related to the performance of the duties that it entails. This provision shall not apply where an elective office is covered by legal immunity.

#### *Article 4 Activities carried out in the framework of a mission*

An official may not accept any remuneration that is offered in exchange for any work done - and in particular participation in a conference or a presentation - in the course of a mission ordered by the appointing authority. The official should however ask for the costs of the mission to be reimbursed by the body to which he renders such services. Any such reimbursement shall be declared to the appointing authority and deducted from the official's mission costs.

#### *Article 5 Voluntary work*

Without prejudice to Article 8, permission shall in principle be granted for work not giving rise to remuneration or the like, whether charitable or not, provided that it is not so onerous as to be likely to impair the official's ability to work for the Commission, and in particular his obligations under Article 55 first indent of the Staff Regulations.

#### *Article 6 Educational activities*

Subject to Article 5 and 8 of this decision, teaching and other educational activities, whether gainful or not, shall in

principle be authorised for one year provided that their duration does not exceed 100 hours per academic year.

In exceptional circumstances, where the activity is clearly in the interest of the institution, the educational activities may be extended to academic activities, including research. In those cases no decision may be taken without prior consultation of the Director-General for Personnel and Administration.

*Article 7*  
*Professional activities*

Without prejudice to Articles 5, 6 and 8 of this Decision, permission shall not be granted for assignments or outside activities which are pursued in a professional or similar capacity (e.g. architect, lawyer, economist, accountant, computer expert, engineer, interpreter, doctor, translator, consultant etc.).

*Article 8*  
*Commercial activities*

Permission shall not be granted for assignments or activities for firms and companies, whose objects are commercial, even if the official's relationship with the company or firm in question entails no remuneration or purely nominal remuneration.

*Article 9*  
*Maximum net remuneration*

The maximum annual ceiling for net remuneration, including any fees received, which an official may receive in connection with all his assignments or outside activities combined, shall be € 4500. The reimbursement of costs (e.g. transportation etc.) shall not be taken into account for this purpose. The official shall hand over to the appointing authority amounts exceeding the sum of € 4500.

Royalties received for publications shall be excluded from the calculation of net remuneration.

*Article 10*  
*Prizes and awards*

Officials given a prize or award for an assignment or outside activity are required to apply to the appointing authority for permission to accept it. Such permission shall be granted or withheld by the appointing authority depending on the circumstances of each case, regardless of the value of the prize or award. Permission shall only be refused if the acceptance of the prize or award is incompatible with the interests of the institution or could impair the independence of the official.

*Article 11*  
*Special leave*

Where unpaid activities are of benefit to the Communities, the appointing authority may grant special leave amounting to half the number of working days involved, up to a maximum of twelve days per year.

*Article 12*  
*Period of validity*

Permission granted pursuant to Article 12b of the Staff Regulations shall be valid for the period set out in the authorisation but in principle not more than one year. A new application must be submitted for any prolongation or renewal at least two months before expiration of the period.

*Article 13*  
*Officials working part time*

1. Officials who have been authorised to work part time may take on unpaid outside assignments and activities if such outside assignments and activities are not incompatible with the reasons for which part-time work has been authorised.
2. Officials elected or appointed to public office who have been authorised to work part time may take on paid outside assignments and activities directly related to the reasons for which part-time work has been authorised.

**Chapter 2**  
**specific provisions for officials on leave on personal grounds**  
**(Articles 35(c) and 40 of the Staff Regulations)**

**GENERAL PROVISIONS**

*Article 14*

*Permission for outside activities or assignments for officials on leave on personal grounds*  
*(Article 12b of the Staff Regulations)*

1. Officials on leave on personal grounds must seek permission pursuant to Article 12b of the Staff Regulations to undertake an assignment or an outside activity at any time during the period of leave in accordance with the present decision.
2. Such permission shall in principle be granted except where the assignment or the activity could give rise to a conflict of interest or be detrimental to the interest of the Communities. A conflict of interest shall be deemed to exist where the assignment or the activity would reflect on the official's status as an official and would be detrimental to the loyalty she owes to the institution and its authorities but also where it would be incompatible with her duty to conduct herself in a manner that is beyond suspicion in order that the relationship of trust between that institution and herself may at all times be maintained.
3. An official requesting permission pursuant to Article 12b of the Staff Regulations in order to take up an assignment or outside activity shall in particular provide to the appointing authority:
  - a description of her activity during her last three years of active service at the Commission;
  - a description of the activity that she wishes to take up including information on the position the official is to occupy and the expected duration of the activity;
  - the name, address and telephone number of the potential employer;
  - the employer's fields of activity;
  - the links with the official's functions exercised in the Commission, if any;
  - any other information that could reasonably be considered relevant by the appointing authority in deciding on the request.

To this end the official will fill in and file with the Commission an application form provided by the appointing authority. Applications, accompanied by the necessary supporting documents, must be submitted through her immediate superiors, at least two months before the beginning of the activity or assignment. Authorisation shall only be refused if the work referred to above is incompatible with the interests of the institution or could impair the independence of the official.

4. In addition, the official shall sign a declaration confirming that she has full knowledge of her obligations in the sense of the present decision.
5. The appointing authority shall make permission to undertake an activity whilst on leave on personal grounds conditional upon the official's consent to the Commission making her name, position in the undertaking, and the name of the undertaking for which she intends to work, publicly available. To this end the official will sign a declaration provided by the appointing authority.
6. Any permission granted pursuant to an application under paragraph 3 of this article shall be limited to employment with the named employer, and any person with whom the employer merges or transfers the undertaking by which the official is employed.
7. An official on leave on personal grounds who wishes to transfer to a different employer shall seek a revised authorisation pursuant to Article 12b of the Staff Regulations. Obligations of the present decision shall apply.
8. An official shall inform the appointing authority without delay where any other change in one or more of the circumstances set out in paragraph 3 of this article arises after permission pursuant to Article 12b, second paragraph, of the Staff Regulations has been granted. The appointing authority shall examine whether to modify the conditions of or to withdraw its permission in the light of such a change. Such withdrawal shall take

effect after the official has had a reasonable time to take the necessary measures.

*Article 15*  
*Consultation of the Director-General for Administration and Personnel*

A decision on a request for permission to engage in an outside activity or assignment which is made in connection with:

- a. a request for leave on personal grounds,
- b. a request by an official who is already on leave on personal grounds to engage in an outside activity or assignment,

shall be taken after consultation of the Director-General for Personnel and Administration.

**SPECIFIC PROVISIONS**

*Article 16*  
*Work dealing with active service in the Commission*

1. If the official intends to undertake work that requires her to deal directly or indirectly with subjects that fall within a policy area in which she was or has been working during the three years of active service immediately preceding the probable or actual date of commencement of her leave on personal grounds, she shall provide full details thereof to the appointing authority. Such work may not be undertaken unless and until she has received the written authorisation of the appointing authority.
2. The official may not deal with individual cases that she had worked on in the course of the three years of active service in the Commission immediately preceding the probable or actual date of commencement of her leave on personal grounds. When officials have worked on individual cases prior to the said period of three years, they are not thereby automatically authorised to deal with those individual cases.
3. The official may not participate in meetings or have contacts of a professional nature with her former Directorate General or service for a period of :
  - o 1 year where the official occupied a management function in this Directorate General or Service,
  - o 6 months in all other cases.
4. The appointing authority may make any authorisation it grants subject to such conditions as it reasonably sees fit, in the light of the particular characteristics of a policy area or of the circumstances of the case. The appointing authority may in particular increase the restrictions laid down in paragraph 3

*Article 17*  
*Contracts with the Commission*

1. No official on leave on personal grounds may be given an assignment of any kind that carries remuneration other than a daily allowance and / or a reimbursement of expenses unless an exemption has been granted under paragraphs 2 to 4 of this article.

For the purposes of this Article, « assignment » includes in particular:

- a. any direct contractual relationship between the Commission and an official on leave on personal grounds as an individual; and
  - b. any contractual relationship between the Commission and an undertaking in which an official on leave on personal grounds has directly or indirectly a significant financial interest.
2. The Director-General for Personnel and Administration may grant exemptions in cases which fall under paragraph 1 of this article, where an official has been granted leave on personal grounds in accordance with Article 40 paragraph 2 2nd indent, of the Staff Regulations (accompanying a spouse who is also an official) except for assignment mentioned in paragraph 1 (b).
  3. The Director-General for Personnel and Administration may grant an exemption from paragraph 1 of this Article in a case of an urgent need by the Commission of the official's services except for assignment

mentioned in paragraph 1 (b). However, in the case of a direct contract between the official and the Commission, the remuneration may not exceed the salary (on a pro-rata basis) the official would have obtained if she had carried out the task when in active service, plus any reasonable professional expenses.

4. In cases other than those referred to in paragraph 1 of this Article, where the official on leave on personal grounds is asked by a third party to work on the performance of contracts with or for the Commission, whether directly or by way of sub-contracting, and where she intends to give a positive answer, she shall immediately inform the appointing authority about this request and give all the necessary information allowing the appointing authority to assess the request and take a decision.

### **Chapter 3** **officials having left the service of the European Commission**

#### *Article 18*

1. An official leaving the service of the Commission shall sign a declaration following a form provided by the Appointing authority so as to acknowledge that he is aware of his continuing obligations to the Commission, in particular under Articles 16, 17b and 19 of the Staff Regulations.
2. For a period of 2 years after leaving the Commission, a former official wishing to take up an assignment or outside activity shall inform the appointing authority. The former official shall in particular provide:
  - a description of his activity during his last three years of active service at the Commission;
  - a description of the activity that he wishes to take up including information on the position he is to occupy and the expected duration of the activity;
  - the name, address and telephone number of the potential employer;
  - the employer's fields of activity;
  - the links with his former functions in the Commission, if any.

To this end the former official will fill in and file with the Commission the application form provided by the Appointing Authority.

3. Any permission granted pursuant to the application form under paragraph 2 of this Article shall be limited to employment with the named employer, and any person with whom the employer merges or transfers the undertaking by which the official is employed.
4. A former official shall inform the appointing authority without delay where any other change in one or more of the circumstances set out in paragraph 2 of this Article arises after permission has been granted. The appointing authority shall examine whether to modify the conditions of or, in exceptional circumstances, to withdraw its permission in the light of such a change.

### **SPECIFIC PROVISIONS FOR CERTAIN GROUPS OF FORMER OFFICIALS**

#### *Article 19*

#### *Former officials receiving a retirement pension or on non-active status or retired in the interests of the service*

1. Former officials in receipt of a retirement pension may be requested by the Commission to undertake assignments or carry out activities provided that such assignments or activities are unpaid and do not give rise to remuneration of any kind. However costs reasonably incurred in connection with such assignments or activities may be reimbursed. The above restriction shall not apply to assignments and activities which, although not directly paid by the Commission, give rise to payments that are financed from Community funds.
2. The Director-General of Personnel and Administration may authorise a former official who is receiving a retirement pension to provide services to the Commission.
  - a. such permission will only be given when it is in the general interests of the institutions and to fulfil a specific need demanding a knowledge that is difficult to find other than with the official in question;
  - b. the former official can receive ad hoc payments for his services, which when cumulated with his retirement pension or allowance for the then current year, do not exceed his last total annual remuneration whilst in activity; the reimbursement of costs shall not be taken into account for this



purpose. The annual remuneration is established on the basis of the salary table in force on the first day of the month for which the pension is paid;

- c. an official may render services described in this paragraph until a date of 3 years after his day of retirement.
3. The provisions of this Article shall apply by analogy to officials on non-active status or who have been retired in the interest of the service.

#### *Article 20*

##### *Former officials receiving an invalidity allowance or invalidity pension*

1. Former officials receiving an invalidity allowance or invalidity pension may not be given an assignment of any kind, paid or unpaid, by the Commission.
2. In addition, the official shall sign a declaration confirming that he has full knowledge of his obligations in the sense of the present decision.
3. When deciding whether to grant the permission to undertake an activity or assignment on the basis of Article 13 of annexe VIII paragraph 2 of the staff regulation, the appointing authority must consider whether such an assignment or activity is consistent with the original reasons for granting an invalidity allowance or pension.

### **Chapter 4 Temporary staff**

#### *Article 21*

1. The present decision shall apply by analogy to members of the temporary staff, of the auxiliary staff and of the contract staff.

Only those contract staff who have had access to sensitive information shall be subject to the obligations laid down in Article 18 (2). Contract staff shall be informed by their service whether Article 18 (2) is applicable on leaving the service.

2. Former temporary, auxiliary and contract staff in receipt of an unemployment allowance may not be given an assignment of any kind, paid or unpaid, by the Commission for as long as the allowance is paid.

### **Chapter 5 Final provisions**

#### *Article 22 Former decisions*

The Decisions of 21 July 1976<sup>(1)</sup> and of 14 May 1992<sup>(2)</sup> are repealed.

#### *Article 23*

Article The present Decision shall enter into force on 1 May 2004.

Done at Brussels, 28.4.2004.

---

#### Footnotes

(1) Administrative Notice N° 117 – 1976

(2) Administrative Notice N° 745 – 1992