

# Staff ethics and conduct

*Training offer for the  
new Cabinets*

# KEY ETHICAL OBLIGATIONS

## STAFF REGULATIONS - Articles 11 to 26

- To carry out our duties **objectively, independently, impartially** and to conduct ourselves solely with the interest of the Union in mind (**duty of loyalty**);
- To abstain from dealing with a matter in which we have a **personal interest** such as to impair our independence, and to notify this situation to the Appointing Authority (**conflict of interest**);
- To refrain from any action or behaviour which might reflect negatively on our position and/or the Institution (**dignity of the function**);
- To refrain from any **unauthorised disclosure of information** received in the line of duty, unless that information has already been made public or is accessible to the public, even after leaving the service;
- To exercise the right to **freedom of expression**, with due respect to the principles of **loyalty** and **impartiality**;
- To report facts pointing to the existence of fraud, corruption or serious irregularity.

# KEY ACTIONS

✍ Declare **spouse's employment**

✍ Seek prior authorisation for any **outside activity during active service or leave on personal grounds**

✍ Seek prior authorisation for any professional **activity after leaving the service** (2 years)

✍ Notify (1) intention to stand for election (2) appointment to **public office**

✍ Notify beforehand **publication** on matters dealing with the work of the Union

✍ **Gifts or favours** - “no thank you” principle

# CONFLICT OF INTEREST

*“An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any **personal interest** such as to impair his independence, and, in particular, family and financial interests.” (SR, art. 11(a))*

Cases T-89/01- Willeme c/ Commission (2002), T-21-01 - Zavvos c/ Commission (2002)

# OBLIGATIONS IMPOSED ON STAFF

*Staff member* required to **inform** the Appointing Authority of a situation where he/she is called to **deal with a matter** in which she/he has a **personal interest** "such as to impair his/her independence", and to **abstain from dealing with this matter**.

*The Appointing Authority* must take any appropriate measure to avoid the conflict of interest.

# GIFTS AND HOSPITALITY

## "NO, THANK YOU" PRINCIPLE

Authorisation possible if required by/in line with diplomatic and courtesy usage AND no conflict of interest

Relevant criteria can be:  
Apparent motive, destination of offer, value of offer, function of staff member, benefits for the service...

*Rules: Guidelines on Gifts and Hospitality SEC (2012) 167 final*

# GIFTS AND HOSPITALITY

## GIFTS

Up to 50 EUR	Can be <b>accepted without authorisation</b> unless circumstances require particular caution
50-150 EUR	<b>Explicit authorisation needed</b>
Over 150 EUR	<b>To be refused</b>

## HOSPITALITY

No fixed value limits

**Common sense and transparency approach :**

Taking into account who offers and the **perception** it gives

Prior authorisation presumed to be granted for working lunches/dinners, occasional offers of simple meals, refreshments etc.

# OUTSIDE ACTIVITIES

Commission Decision on outside activities and assignments and occupational activities after leaving the Service

What is an outside activity in the meaning of the Decision?

- ✓ Any activity, **paid or unpaid**, that:
  - **is not part of the staff member's duties at the Commission**, including those covered by a mission order or an authorisation to travel for work-related reasons such as giving a speech or a presentation, and
  - cannot reasonably be considered **a hobby or leisure activity**.

⇒ Simple participation to an association, practising sport, helping hand in a charity organisation are **NOT activities** in the meaning of the Decision

If it is not an activity you should not declare it as such but other ethical rules still apply

- ✓ e.g. investing in shares could constitute an ad hoc conflict of interest



# OUTSIDE ACTIVITIES (2)

Some activities **no longer require** notification if:

- Unpaid
  - Not professional or commercial activities
  - No impact on the reputation of the Commission
  - No conflict of interest
  - Performed outside working hours
- ⇒ notably charitable, teaching, well-being, sport activities

## **Professional and commercial activities assessed on a case-by-case**

- Authorisation on case-by-case basis: prohibition if interference with staff duties, incompatible with the interest of the Commission or exceeding maximum ceiling of remuneration (**10 000 EUR p.a. net**)

**No need to renew requests every year** if no change in the activity or not changing post

# OUTSIDE ACTIVITIES (3)

## Leave on personal grounds

Article 12b of the Staff Regulations continues to apply during a period of leave on personal grounds

Staff members on leave on personal grounds should request prior permission for any outside activity or assignment

No permission to engage in an occupational activity or assignment which involves lobbying or advocacy vis-à-vis the institution and which could lead to a conflict of interest

# CONFIDENTIALITY, PUBLICATIONS, SOCIAL MEDIA

## Article 17 of the Staff Regulations

- 1. An official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.*
- 2. An official shall continue to be bound by this obligation after leaving the service.*

# CONFIDENTIALITY, PUBLICATIONS, SOCIAL MEDIA

## Types of information

### **Public**

Europa

### **Commission staff**

MyIntracomm

### **Sensitive non-classified**

Subject to security marking/SECSEM transmission

### **Classified**

Subject to EUCI rules

# FREEDOM OF EXPRESSION

- Information to the Appointing Authority in advance
- Serious prejudice to the legitimate interests of the Union?
- 30-day deadline for AA to reply
- Absence of AA reply = no objections
- Former staff members not covered by this provision
- Case-law C-274/99 (Connolly v. Commission) (41)  
...”limitations must ... be interpreted restrictively”

# Conduct at work

**Psychological harassment** means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person.

**Sexual harassment** means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.

(Article 12a SR).

# Conduct at work (2)

## Informal procedure

- Confidential counsellors
- Mediation Service

## Formal procedure

- Request under Art. 24 SR
- Inquiry (IDOC)
- Disciplinary procedure

[HR-HARCELEMENT@ec.europa.eu](mailto:HR-HARCELEMENT@ec.europa.eu)