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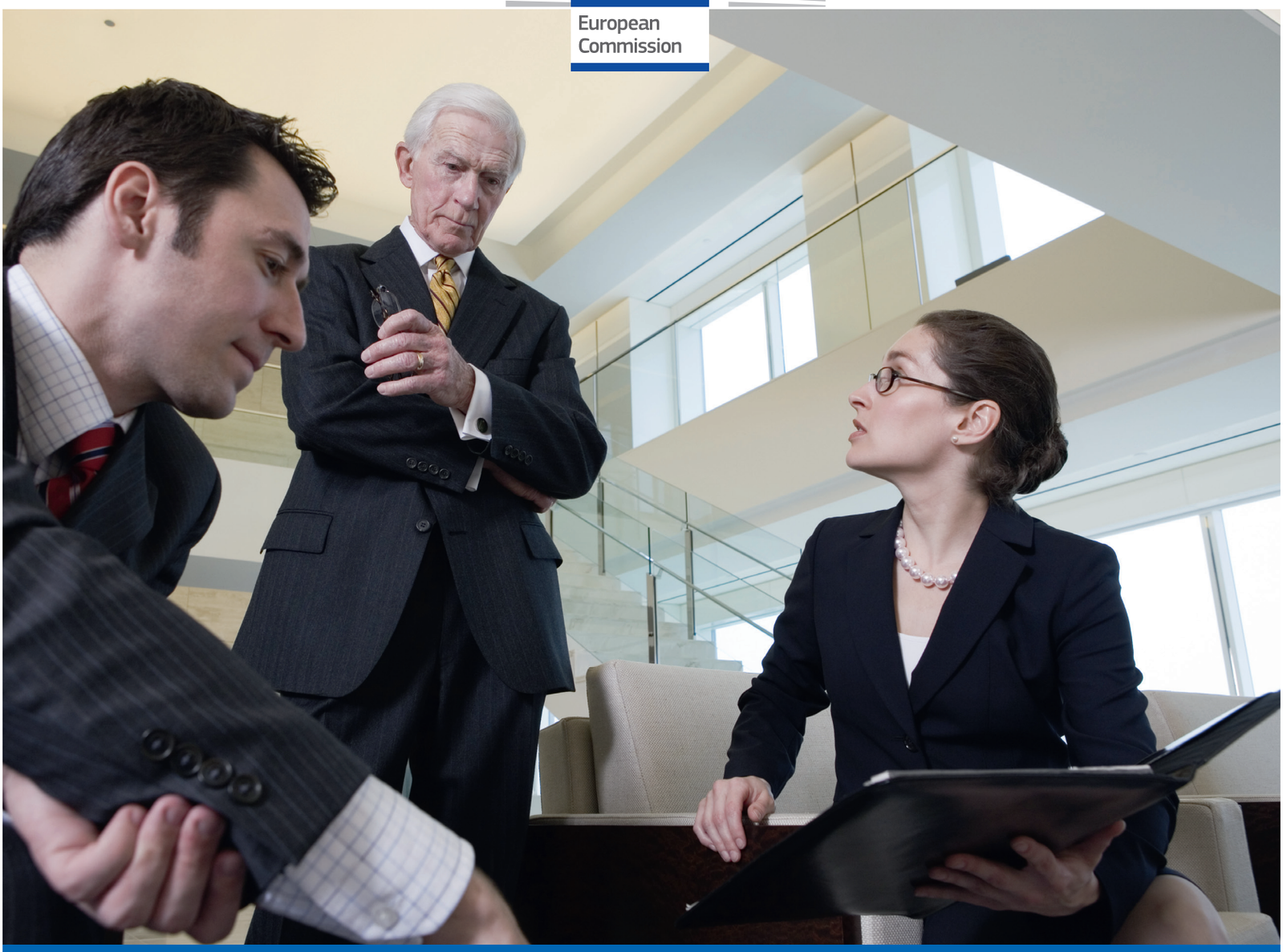

Practical Guide

to Staff Ethics and Conduct

Ethics: Changes related to Staff Regulations review

As of 1 January 2014, a number of changes with regard to ethical rules will be introduced in order to clarify and modernise the rights and obligations of staff. The European public service is expected to live up to the highest standards of professional ethics and to remain independent at all times.

Check of conflict of interests

As of 1 January 2014, before recruiting an official, the Appointing Authority will examine whether the candidate has any personal interest such as to impair his/her independence or any other conflict of interest. The candidate will inform the Appointing Authority, using a specific form, of any actual or potential conflict of interest. If necessary, the Appointing Authority shall take any appropriate measures. This will also apply to officials returning after leave on personal grounds.

Cooling-off periods for senior officials

As of 1 January 2014, there will be explicit prohibition for senior officials, in the twelve months after leaving the service, to engage in lobbying or advocacy vis-à-vis the staff of their former Institution on matters for which they were responsible during the last three years in the service.

Modification of rules on Leave on Personal Grounds (CCP)

As of 1 January 2014, this type of leave will be limited to 12 years (instead of the current 15 years). Officials on leave on personal grounds will not be allowed to engage in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his/her Institution and which could lead to the existence or possibility of a conflict with the legitimate interests of the Institution. Before reintegrating an official following leave on personal grounds, the Appointing Authority will have to examine whether he/she has any personal interest such as to impair his/her independence or any other conflict of interest. To that end, an official will have to inform the Appointing Authority using a specific form of any actual or potential conflict of interest.

Modification of rules on whistleblowing

As of 1 January 2014, complaints by officials related to whistleblowing shall be examined before the expiry of the deadlines set in Article 90 (4 months). The Institutions will be obliged to adopt internal rules, notably on the procedure for the handling of complaints and on the protection of the legitimate interests of whistle-blowers.

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1. Introduction and scope of application

The Commission has a threefold role within the institutional system of the European Union: as guardian of the Treaties, initiator of legislation and manager of policies and programmes. As a public body, the Commission is accountable to the other institutions, most notably the European Parliament, as well as to the Member State governments, and ultimately, to the citizens, for ensuring that its staff meets the highest standards in terms of independence, integrity, impartiality and objectivity.

The present Guide looks at how these standards should be applied by the individual staff member on three levels – relations with the public, behaviour at work (with hierarchy and colleagues), and individual obligations. A breach of these standards could lead to disciplinary measures.

The **Staff Regulations** (and the CEOS[1]) lay down the basic principles governing relations between the EU institutions and their staff. Of particular importance with regard to staff ethics and conduct is Title II of the Staff Regulations (see Annex 1 for full text), which deals with rights and obligations of officials and to which reference is frequently made in this Guide. The Staff Regulations are complemented by decisions and guidance in specific domains, as well as by the Financial Regulation.

The **Code of Good Administrative Behaviour** provides guidance on how Commission staff should serve the public. This code does not have the same legal status as the Staff Regulations, but it constitutes a set of internal rules which staff members are obliged to follow.

The guide is addressed to Commission statutory staff (officials, temporary agents, contract agents and special advisors). However, other staff working for the Commission such as persons employed under private law contracts, experts on secondment from national civil services (SNEs), trainees, and external experts can use it as a point of reference in addition to the specific rules regarding their particular situation[2].

The guide is intended to offer wide-ranging information and advice on a variety of issues, ranging from behavioural tips to compliance with legal obligations under the Staff Regulations, a violation of which could lead to disciplinary measures or even criminal sanctions.

When it comes to the fulfilment of individual obligations, it is worth keeping in mind that the details of each case vary and staff have, therefore, to **exercise good judgement and common sense in weighing up the particular aspects of a given situation**. This guide should provide the tools to help staff in this process

Disclaimer

This Practical Guide to Staff Ethics and Conduct aims to make the standards and obligations concerned and the relevant procedures transparent and easy to understand. It is for information purposes only. The Guide is not legally binding.

Only the legal texts are binding and must be referred to by either the Commission administration or by any Commission staff member in any legal or administrative proceedings. While every effort has been made to give accurate guidance, the only authentic interpretation of the rules is to be found in the judgments of the Court of Justice, the General Court and the Civil Service Tribunal.

1 Conditions of Employment of Other Servants of the European Union

2 For persons employed under private law - terms of contract; for SNEs - Commission Decision C(2008)6866; for trainees - Commission Decision C(2005)458; for external experts - the rules regarding conflict of interests and confidentiality in accordance mainly with Article 57 of the Financial Regulation, Articles 32 and 287 of the Implementing Rules of the Financial Regulation, the Communication from the President to the Commission C(2010)7649 and specific contract provisions.

2. Principles of staff ethics and conduct

Ethical principles

Only by aspiring to the highest standards of **integrity** can you ensure the Commission's credibility. In fact ethics is integrity in action. When we have integrity, we act ethically, which means adhering consistently to ethical standards and making sound decisions based on these standards. For the Commission to fulfil its mission of serving the common good and the public interest, your conduct and decision-making has to be irreproachable and guided by the following principles:

- **Independence** – staff conduct and decision-making should be determined by the need to serve the common good and the public interest, and never by any other interests whether private or otherwise or as a result, for example, of political pressure.
- **Impartiality** - in any decisions staff are called upon to make, their approach should be unbiased..
- **Objectivity** – when drawing conclusions, these should be balanced and based on a thorough analysis of the facts and the legal background.
- **Loyalty** – loyalty towards the Commission is essential for maintaining its independence and achieving its mission. It is also necessary for the functioning of each service.

Putting these principles into practice requires:

- **Circumspection** – stopping and reflecting on the possible consequences and implications of potential actions, showing a proper degree of moderation and conducting oneself at all times with a due sense of proportion.
- **A sense of responsibility** - carrying out those tasks entrusted to you as dutifully as possible and looking for solutions, when difficulties are encountered. Knowing and respecting the legal obligations and administrative rules and procedures in force.
- **Transparency and accountability** – bearing in mind that as civil servants staff must act in a transparent manner and be ready to justify the reasons for particular actions and the context in which they have been taken.

Golden Rules of Staff Conduct

In order to adhere to the essential elements of staff ethical conduct, staff should:

- Serve exclusively the public interest, by acting with integrity and being objective and impartial in their work;
- Be loyal to the Commission;
- Provide citizens and others with the quality service they would expect themselves;
- Remember that they are the human face of the Commission and that others will judge the Commission on the basis of what they see and experience;
- Carry out the assigned tasks with responsibility and to the best of their ability;
- Treat colleagues with respect;

- Make sure their conduct is beyond reproach, by not knowingly being a party to an activity that could bring the Commission into disrepute or could cause staff impartiality to be questioned;
- Ensure an awareness of the relevant legal obligations, rules and procedures;
- In case of doubts about whether something staff

do or are asked to do is ethical, staff should consult the relevant information – including this guide – and if in doubt, ask their superior or the ethics correspondent in their local human resources unit.

3. The Ethics Network in the Commission

You have a question or a specific problem in the domain of professional ethics and you don't know who to contact?

First of all, contact your local ethics correspondent. Each DG has appointed these staff "to serve as the focal and first contact point for all ethics related issues, both for the services and their staff. When dealing with queries from staff the ethics correspondents act in confidence"[1].

At the central level, unit DG HR.B.1 - Ethics, Rights and Obligations is responsible for the general policy on ethics for staff members and serves as a reference point for the ethics correspondents.

For any questions regarding Commissioners and the overall broader coordination in respect of Public Service deontology, SG.B.4 – Public Service Ethics is the contact point.

As far as disciplinary questions are concerned, IDOC and OLAF are the responsible services (for more information please see Chapter 7 – "Prevention and sanctions").

1 Communication from Vice-President Kallas to the Commission on enhancing the environment for professional ethics in the Commission – SEC(2008)301.

4. Relations with the public

Relations with the public form an essential part of the Commission's mission to serve the public interest. In contacts with the public, staff should be guided by the principles of openness and transparency, while behaving with circumspection, as well as courtesy, helpfulness and efficiency.

All staff members can have an impact on how the Commission, and, by extension, the EU, is seen – through their professional activities, as well as in their life outside work. How they act will influence the image people form of the Commission and its staff. Staff should think of themselves as an 'ambassador' for the Commission and the EU Institutions.

Serving the citizen

Serving the public means putting citizens first. Relations with the public should be based on the following standards:

- **Lawfulness** – staff should act in accordance with the law and apply the rules and procedures laid down in EU legislation and implementing rules.
- **Non-discrimination and equal treatment** – staff should respect the principle of non-discrimination and, in particular, guarantee equal treatment for members of the public irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation.
- **Proportionality** – staff should ensure that the measures taken are proportional to the aim pursued.
- **Consistency** – staff should be consistent in their administrative behaviour and follow the Commission's normal practice. Any exceptions to this principle should be duly justified.
- **Objectivity and impartiality** – staff should always act objectively and impartially, in the Union interest and for the public good. They should act independently within the framework of the policy fixed by the Commission and their conduct should never be guided by personal or national interest or political pressure.

The citizen's right to information

Any citizen of the Union or any natural or legal person residing or having its registered office in a Member State is entitled to expect a speedy response when they address queries to the Commission. Furthermore, Article 15 of the Treaty on the Functioning of the European Union (TFEU) grants them a right of access to European Parliament, Council and Commission documents.

Dealing with enquiries (correspondence, telephone calls and e-mails)

The Commission undertakes to answer enquiries from citizens in the most appropriate manner and within a reasonable time.

As a general rule for **written correspondence**, a substantive answer should be provided within 15 working days (Code of Good Administrative Behaviour). If this is not possible, a holding response should be given within this period. When replying in writing, the language of the request should be used, provided it is one of the EU official languages. Proper contact details should also be included. The written responses must be registered and filed.

When answering **telephone calls**, staff should clearly identify themselves or their department and treat the caller at all times in a courteous and efficient manner. They should return telephone calls as promptly as possible. When dealing with enquiries within their field of responsibility, they should establish the caller's identity and check whether information has already been made public or is accessible to the public before giving it out. If this is not the case, they should explain why the information cannot be disclosed. For subjects outside their field of competence, staff should direct the caller to the appropriate service. When in doubt, staff should request confirmation in writing of telephone enquiries or draft a note to the file recalling the content of the conversation.

Where correspondence can reasonably be considered as "repetitive, abusive and/or pointless", the Commission reserves the right to discontinue any such ex-

changes of correspondence. Each service is responsible for taking such a decision.

It is also important to guarantee continuity of service by ensuring, wherever possible, that phones are answered or use is made of voice mail.

E-mail messages should be treated promptly following the guidelines on telephone calls (described above) or on documents. Indeed, the e-mail message is, by its nature, the equivalent of a document (in the sense of Regulation (EC) 1049/2001) . If specifically treated as a letter/document, it should be handled according to the guidelines on written correspondence, including being registered and filed (described above) and should be subject to the same deadlines. To guarantee continuity of service, staff should remember to use the 'out of office' function when not available and give the name and telephone number of a contact person.

More information

For more information on how to apply the Code of Good Administrative Behaviour and contact points, please see the Commission GoPro Guide.

Regarding your obligations with regard to non-disclosure of information, please see the relevant section below.

For inquires outside your field of professional competence, it may be appropriate to redirect a citizen to the Commission's Europa Website.

For more information regarding the use of social media see Administrative Notice n° 34/2011.

For questions regarding "staff as ambassadors", please see the General Guidelines for "Staff as Ambassadors" (SEC (2007) 912/9).

Requests for documents

The principle of transparency requires giving the citizen the opportunity to have access to the documents held by the Commission. A specific guide for officials on how to deal with these requests is available on the website concerning access to documents (see below).

What then do you do if you receive a request from a citizen for a specific document?

Specific rules for **access to documents** are laid down in Regulation (EC) 1049/2001.

The term "document" in the sense of this regulation means "any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audio-visual recording)". However, access to documents concerns only already existing and specified documents.

Furthermore, access to a document has to be refused (totally or partially) if its disclosure would undermine the protection of privacy and the integrity of the individual in accordance with EU legislation concerning the protection of personal data (see "Protection of personal data" below). It is also important to underline that the person concerned must be consulted before the release of any such personal data.

If the document requested has been published, you should direct the person making the request to the relevant webpage on the Europa site where the document is available, to the Publications Office's sales agents, or to the nearest documentation or information centre providing free access to documents (Info-Points, European documentation centres, etc.).

If a document has not yet been made public, you may still be able to make it available, but this must be checked first and the relevant procedures followed. You should contact the person appointed in your DG as coordinator for the handling of applications for access to documents. The Secretariat-General can also be of assistance when dealing with access requests.

More information

For the rules on access to documents, and contact details, see the Access to Documents Guide on the Europa website
http://www.cc.cec/home/dgserv/sg/docinter/docs/guide_pratique_acc_doc_en.pdf

Requests from the media

What should you do if contacted by a journalist? As a general rule, DG Communication and the Spokespersons' Service are responsible for contacts with the media. Especially where a request is of a political nature, you should refer the journalist directly to the Spokespersons' Service, giving them the contact details if necessary.

However, when requests for information concern technical subjects falling within your specific areas of responsibility, you may answer them, subject to prior clearance from your hierarchical superior and/or your DG's information and communication unit or media/public relations officer. Offer to call back if necessary. There is no justification for not giving a journalist an item of factual, technical information that would be given to any member of the public. It is, nevertheless, advisable to consider carefully the nature of the information in question and in any event notify the Spokesperson responsible, so that they can decide to answer themselves or supplement the information given to the journalist, if necessary. In this respect certain individual DGs have their own supplementary guidance.

Be aware that you should avoid discussing any matter which is still at the preparation or discussion stage and on which the Commission has not adopted an official position. Information on questions of this kind is specifically a matter for the spokespersons, in consultation with the cabinets concerned, unless they have given specific authorisation to the contrary.

As a DG expert, you may be asked by the Spokesperson to provide expert information to the media. As a rule, this should always be done on an "off the record" or "background" basis.

When participating at conferences or other external events as part of your duties, the possibility of spontaneous requests from the media should be anticipated, in coordination with your DG's information and communication unit or media officer.

Please note that Directors-General and other senior officials are often called upon to talk to the press on subjects falling under their responsibility. They will coordinate their statements with the Commissioner concerned and DG COMM, especially in the case of policy statements on matters still under discussion within the DG or service or within the Commission itself, in order to ensure that the Institution puts out a consistent message.

More information

See the Commission Guide to procedures (GoPro) and the General Guidelines for "Staff as Ambassadors" (SEC (2007) 917/9).

Rights of parties with a direct interest in administrative decision making

When dealing with administrative decisions, you should bear in mind, in accordance with the (sometimes very specific) rules governing the relevant administrative procedure, the following duties:

- **Listen to all parties with a direct interest.** Where EU law provides that interested parties should be heard, staff, in accordance with the conditions set out by that law, should ensure that an opportunity is given to them to make their views known.
- **Justify decisions.** As a general rule, full justification for decisions should be given. Where this may not be possible on an individual basis, provision should be made for standard replies to be given. These should include the principal reasons justifying the decision taken. However, an interested party who expressly requests a detailed justification should be provided with one, while respecting the rules on non-disclosure of information (see relevant section below). The reasons to be given may vary according to the applicable specific rules.
- **State arrangements for appeals.** Where EU law provides for it, when notifying an interested party of a measure, you should clearly state the possibility of lodging an appeal and describe how to submit it (the name and office address of the person or department with whom the appeal must be lodged and the deadline for doing so).

Contacts with interest groups (lobbies)

As the Commission has the right of initiative in the EU legislative process, it is a natural target for interest representation with regard to a policy issue or a legislative initiative. Thousands of lobbyists operate in Brussels, representing practically every sector of commerce, trade, industry, services, consumer protection, regional policy, etc, and including non-governmental organisations (NGOs). Their mission is to influence the EU's legislative process, whereas the Commission has

an obligation to listen to all parties as well as citizens, civil society and representative associations.

On the one hand, interest groups can provide valuable input in order to initiate and to prepare legislation that takes full account of the specificities of the domain concerned.

On the other hand, they can represent a risk for an administration, as the staff involved in policy-making may – even inadvertently - be exploited for the purposes of a specific interest group with possible detrimental effects for the general interest of the Union.

In more general terms, to preserve the independence of the decision making process in the Commission, and/or the balance of institutional powers, circumspection and discretion need to be maintained in other types of contacts, such as with the other EU Institutions and bodies and other organisations, as well as in the management of programmes and projects and calls for proposals/tenders.

It is important that staff keep these potentially conflicting aspects in mind in order to preserve their professional and personal independence.

It is recommended to check the credentials of a given interest's representative to make sure they are, for example enrolled in the Register of Interest Representatives, which is linked to a Code of Conduct for interest representatives. If they are not, this does not prevent staff from being in contact with them provided there is other proof of their credentials, but staff should consider inviting them to enrol. Furthermore, where meetings with interest group representatives are considered appropriate, these should be held in a professionally correct manner, if possible on Commission premises, in the presence of another colleague, i.e. in a way which cannot give rise to any reputational issues. Staff should inform their hierarchy in advance and also afterwards about the outcome. A written record of such meetings should be ensured where these contain important information or may involve action by the Commission. Such reports should be registered and filed.

More information

See GoPro Guide to Procedures and the SG guidelines on contacts with the interest groups.

http://www.cc.cec/home/life/cid/html/494_10.pdf
http://www.cc.cec/home/life/cid/html/494_11.pdf

Protection of personal data

Protection of personal data is a fundamental right (Charter of Fundamental Rights, Article 8; TFEU, Article 16). The Commission and its staff must respect the rules on the protection of personal privacy and personal data. The principles, the individual's legally enforceable rights and the obligations of the institution concerned with regard to the processing of personal data are laid down in Regulation (EC) No. 45/2001; these are in line with the Data Protection Directive 95/46/EC.

Data processing operations cover a wide range of activities from collecting to transfer and storage of data. Except for well-defined special circumstances, it is prohibited to process data on racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, health or sex life. The data subject (meaning the person whose personal data are concerned) has the right to be informed of the processing operations (before the first occurrence) and has the right to access, rectify, and, where appropriate, block or erase data, to object to the processing and to receive compensation for any damage.

More information

Regulation No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data.

Non-disclosure of information / confidentiality (Article 339 of the TFEU and Article 17 of the Staff Regulations)

While the Commission is committed to the principles of openness and transparency, as outlined in the Code of Good Administrative Behaviour, there are certain sectors of activity where the principle of non-disclosure of information and confidentiality requirements may be applicable (see also page 21).

Non-disclosure of information

Without prejudice to the legislation on the protection of personal data, as a member of staff, or former member of staff, you have an obligation not to disclose, without authorisation, information to which you have been exposed in the course of your work, unless that information has already been made public or is accessible to the public (Article 17 of the Staff Regulations).

You may have to deal with sensitive information in the course of your work. Such information must be managed with the utmost discretion. For example, this applies to commercially sensitive economic data in, among others, DG Competition or DG Trade, or staff data in DG HR (for example medical or personnel matters).

EU non-classified information must be protected through appropriate markings and consequent handling when needed (e.g. proceedings of an open competition selection board), as must information which has come to your knowledge in the course of your duties and relates to persons (e.g. medical secrecy, family life, or financial or tax affairs). Professional secrecy regarding human resources individual data to which defined persons have privileged access (given on a need to know basis) is a fundamental obligation for all staff working in the departments responsible for administering the affairs of Commission staff.

Confidentiality of business information

Staff members are specifically required to respect the confidentiality that intrinsically applies to business information provided by applicants at particular stages of a programme or project or specific proceedings. This applies particularly to information relating to the content of tenders submitted for evaluation and selection (for example, details of a project applicant's financial situation or accounts), business information submitted in, for example, competition or trade defence cases.

You must constantly ensure that such information does not fall into unauthorised hands, if necessary by storing it in secure locations. The unauthorised disclosure of such information can be harmful and the Commission could be held liable for loss sustained if the act is attributable to you and the Commission could, in turn, bring proceedings against you if you are personally seriously at fault. As a member of staff, you have no personal rights over such information, and its use for purposes other than those required for the performance of your tasks would constitute a misuse of information. Disclosure of such information must always take place respecting the official channels.

Classified documents

With four levels of classification (top secret, secret, confidential and restricted), the Commission's security provisions are aimed at protecting sensitive information produced or handled by the Commission from being compromised, disclosed without authorisation or from spying. These provisions are in line with the rules on public access to documents. If a staff member has to deal with documents falling under the security provisions they are expected to know the rules. In general, this means considering what needs to be done in your immediate environment to protect the information with which you are dealing.

Staff who compromise EU classified information by letting it fall into the hands of unauthorised persons face disciplinary procedures and/or criminal prosecution.

More information

See the Commission Security Notices

Representation expenses for official purposes

The duty of ethical behaviour also concerns the handling of representation expenses which you may incur in your professional capacity. You are obliged to deal in a right and proper way with public funds.

Certain officials may be granted a fixed allowance if by reason of their duties they regularly incur representation/entertainment expenses (Art 14 of Annex VII of the SR). If such situations occur from time to time only and as a result of special instructions, the amount of entertainment allowance is determined in each instance on the basis of specific conditions and supporting documents. In particular Directors-General, Heads of Service and Heads of Cabinet (and in some exceptional cases other officials or agents) are allowed to incur such expenses.

Such expenses include, for example, official receptions, dinners, and in general expenses corresponding to diplomatic and courtesy usage, which could have an impact on the image of the institution and the concept of reasonableness.

Guests **must come from outside** of the Commission or other institutions and bodies (with the exception of members of the Court of Justice, the Court of Auditors, the European Parliament, the Economic and Social Committee and the Committee of the Regions). Expenses linked to the presence of family members of the official authorised to engage such expenses are not reimbursed. Nevertheless an exception can be granted when justified by diplomatic or courtesy usage or when the expenses occur in the official's home.

Finally, the number of officials from the institutions cannot be higher than the number of participants from the outside.

More information

Please consult the internal rules regarding representation expenses of officials - SEC (95)819
For more information regarding rules managing entertainment expenses of the members of the College please consult C(2007)3494.

5. Behaviour at work

Ethical behaviour is a way of life and applies to how you interact within the Commission, be it with your boss, colleagues or other members of staff. At work, you may be faced with many different types of situations, which constantly require you to exercise good judgement and common sense, in line with the ethical principles and standards required of Commission staff.

Furthermore, staff must comply with Article 1d of the Staff Regulations which prohibits any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation. Any form of psychological or sexual harassment is also prohibited (for more information please see Chapter 7).

Relations with the hierarchy

Whatever your grade, you have the obligation to "assist and tender advice" to your superiors and you are responsible for the performance of the duties assigned to you, that is, you must do your job properly (Article 21 of the Staff Regulations). The responsibility of a subordinate does not release the official from his or her own responsibility.

A member of staff must follow instructions, unless they are manifestly illegal or constitute a breach of the relevant safety standards. You should not confuse this with simple disagreements or differences of opinion.

If your superior instructs you to do something which you consider to be irregular or likely to give rise to serious difficulties, you should ask for the instruction to be confirmed in writing by your immediate superior, and then, if necessary, by his or her immediate superior. If the latter confirms the instructions in writing, you should carry them out, unless they are manifestly illegal or breach safety standards (Article 21a of the Staff Regulations). However, at your request, he or she is obliged to give such orders in writing. (See also section on 'Serious wrongdoing' in Chapter 7.)

Relations among colleagues

Colleagues should be treated with **respect** and **impartiality**, regardless of their position. In a multi-cultural workplace, mutual respect and tolerance of differences are essential ingredients of any good working relationship. This also involves:

- **Teamwork** – working together to achieve common goals;
- **Polite and clear communication** – engaging colleagues by showing respect and encouraging efficiency through clarity of instructions;
- **Conflict resolution** – finding workable solutions through discussions and better mutual understanding;
- Zero tolerance of any form of **psychological and sexual harassment**.

Use of Commission means of communication

Computer equipment, e-mail and Internet access, telephones, mobile phones, photocopiers and fax machines have been installed for official use. However, you may make occasional, limited use of these means of communication for private purposes, provided that you do not use them:

- for illegal or improper purposes
- in any way that might disrupt the functioning of the service itself, or
- in any manner contrary to the interests and reputation of the Union.

For **telephones, fax machines and mobile phones**, occasional personal use is permitted **at your expense**. For telephones and faxes, you need to request a personalised code, to be used for private communication. The cost of the private calls is then deducted from your salary. As such access codes are not yet generally available for mobile phones; you will have to indicate your private calls on the monthly statements, the cost of which will be deducted from your salary.

For **photocopiers** and **electronic mail**, incidental personal use is acceptable. However, regarding electronic mail and regardless of the content (e.g. entertainment, charity, political campaigns or commercial ends, etc.), you should refrain from sending messages to a wide or even indiscriminate number of addressees (within or outside the Commission) and from asking others to send out such messages widely. This is fundamental in order to observe the principle of impartiality and to avoid spamming and maintaining the proper functioning of the service.

With respect to the **use of the Internet** for private purposes, again, incidental use is acceptable. However the Commission server(s) may not be used where, for example, offensive, racist, discriminatory, sexually explicit or other equally inappropriate websites are accessed or where other personal use exceeds reasonable limits (see also page 21 on the use of social media).

Given that the Commission's servers can be used both directly from the office and via remote access from outside Commission premises, do not forget that, usually, e-mails or other messages sent through the Commission's system will indicate your Commission e-mail address and thereby establish a link to the Commission.

Be aware that the **Commission is entitled to monitor the use of information and communication technologies (ICT) services** and that it does so. In the case of any suspected abuse, your Director-General may request DG HR to open an investigation into your use of these services.

More information

On the Commission policy regarding use of means of communication, see Administrative Information n° 45/2006 and the Communication from the President on Commission policy on the internal use of mail (SEC (2009) 1412).

6. Individual obligations

To maintain the Commission's independence and credibility, as a member of staff, you are subject to certain reasonable requirements which affect the exercise of your duties and can have implications for your private life. For this reason, you are required to request authorisations or provide notifications in various situations (such as conflicts of interest, gifts, external activities, spouse's employment, or publications or speeches on EU-related matters). This must be done **at your own initiative.**

This section examines these situations (addressed mostly in the Staff Regulations, Title II on Rights and Obligations of Officials - see Annex 1 for full text) and the procedures to follow.

In this chapter, frequent reference will be made to the concept of an **'Appointing Authority'**. This abstract term actually describes a system of graduated authority. In practice, the Commission delegates authority in personnel matters to the appropriate levels of senior and middle management. These managers are the faces behind the abstract expression "Appointing Authority".

In general terms, for some procedures the Appointing Authority's powers are exercised by your Directorate-General. For other obligations addressed in this chapter, these powers are exercised by DG HR (its Director-General or a particular service).

Given the specific arrangements concerning delegation of the Appointing Authority's powers, you should consult the relevant tables of the Appointing Authorities or ask for guidance from your ethics correspondent who is normally in your DG's 'human resources' unit.

Conduct reflecting on your position

In general terms, you should refrain from any action or behaviour which might reflect adversely on your position, as stated in the Staff Regulations (Article 12). This means that your conduct even outside the office must be exemplary. Professional and private behaviour inside or outside the Commission should not bring the European civil service into disrepute.

It is worth noting that if your acts or behaviour risk bringing the Commission into disrepute, you could be subject to disciplinary proceedings. This could be the case, for example, if you were to be convicted of a crime or a misdemeanour.

When assessing any act or expression of opinion, account will be taken of its impact, especially if it appears to be harmful to the Commission's reputation.

Avoidance of conflicts of interest

The overriding idea behind avoiding any conflict of interest or even the appearance of a conflict of interest is to avoid possible accusations of bias and partiality in any decision-making process you may be involved in, so as to maintain the Commission's independence and credibility. Key in this context is therefore how best to prevent such situations from happening. That being said, everyone can find themselves in a conflict of interest situation, despite taking all precautions. If this happens, it is essential to know how to react.

The key steps to avoiding or remedying such situations:

- not accepting gifts or favours,
- declaring your spouse's or partner's professional activities,
- providing immediate notification, if, in the course of your duties, you are called on to decide on

a matter in which you have a personal interest which could impair your impartiality,
- seeking prior authorisation for any external activities (work – paid or unpaid) you may wish to undertake during active service,
- seeking prior authorisation for any work you may wish to undertake, for a period of 2 years after leaving service,
- notifying beforehand your intention to stand for public office,
- notifying beforehand the intention to publish any texts on matters dealing with the work of the Union.

Declaring a potential conflict of interest

Apart from the specific situations and obligations foreseen by the Staff Regulations mentioned below, and as stipulated in Article 11a of the Staff Regulations, you may not, during the performance of your duties, deal with any matter in which you have a direct or indirect personal interest that may compromise your independence and, by extension, the Commission's interests.

Such situations can arise when:

- there is some link between your work and your private interests, or those of your family or partner;
- you find yourself in a situation that could reasonably lead to allegations being made of bias or partiality, in light of your personal interests.

If you find yourself in such a situation or are in any doubt as to whether your circumstances could give rise to concerns over a conflict of interests, you should notify the Appointing Authority immediately by filling in the appropriate declaration form. It is also advisable to inform your own hierarchy.

Conflicts of interest that may arise within the framework of a budgetary action are addressed by the Financial Regulation (Article 52). Under Article 34 of the implementing measures for the Financial Regulation, the competent authority that you must inform of any potential conflict of interest is your hierarchical superior.

Gifts, favours, payments, honours and decorations

Gifts, favours (hospitality offers) and payments

Article 11 of the Staff Regulations states that you should not accept gifts, favours or payments from governments or any other source outside the institution, without obtaining prior permission from the Appointing Authority. As a general rule, you should decline all such offers that have more than merely symbolic value (such as diaries, calendars, small desk items, an invitation for coffee etc.). In some exceptional circumstances (for instance if required by social, courtesy or diplomatic usage) and if there is clearly no risk for the interests and public image of the Commission, you may accept some gifts or hospitality.

If you are offered a **gift** with an estimated value of more than €50, you must apply for permission to accept it. In any event, permission will not be granted if the value exceeds €150. You should avoid accumulating gifts (even below €50 and independently of the source) as this can give rise to a negative image.

When deciding on a request to accept a gift, the Appointing Authority takes into consideration the following factors.

- the nature of the source offering the gift;
- the apparent motive behind offering the gift;
- the link between the entity offering the gift and the Commission;
- the possible consequences for the Institution's interests;
- the individual or collective destination of the offer;
- the nature and estimated value of the gift;
- the staff member's work.

Hospitality offers are considered to be a kind of favour. The acceptance of hospitality will depend on the same factors as those outlined above for gifts. However it may be difficult to assess the value of hospitality offers and this is why the nature of the offer should first be considered. For instance offers of working lunches or dinners in which the staff member participates in the exercise of his/her duties and in agreement with the hierarchy, and where there is no risk of conflict of interest, can be accepted without prior authorisation. The same applies for the offers of simple meals, refreshments and snacks. For all other offers and in case of doubt, you have to request a prior authorisation by the Appointing Authority.

Any sum of money must always be refused.

Regarding **payments for work actually done**, such as conferences or publications (on EU matters), see section below on "Freedom of expression".

As to **missions** where the costs are to be covered by an external source, they should be accepted only when in the interest of the service and if there is no risk of any real, apparent or potential conflict of interests. Before the beginning of the mission, the Authorising Officer must check that there is no such conflict of interest and confirm this accordingly in the travel order. In many DGs such missions must be approved by the Director-General.

If certain costs were covered by the external source during the mission, a note confirming that there is no (potential) conflict of interest and signed by the Authorising officer must be attached to the statement of expenses.

More information

Communication from Vice-President Šefčovič to the Commission on Guidelines on Gifts and Hospitality for staff members (SEC(2012)167.

Guide to missions (C(2008)6215)– point 6

Honours and decorations (medals)

Bearing in mind the overriding principle of independence, you should not accept from any government or other source an honour or decoration without prior permission from the Appointing Authority (with an exception for services rendered before your appointment at the Commission or during special leave for military or other national service and in respect of such services). Otherwise it might reasonably be considered that the honour has been granted for services rendered to an outside body or national government while the staff member is working for the Commission, which could give rise to doubts about the impartiality of the Commission itself.

Only national honours and decorations awarded by a sovereign state or official medals awarded by a sovereign state or an official organ of that state (ministry, regional or local authorities, universities etc.), or recognised by an official authority or from any other source outside the institution (Prix Charlemagne, Carnegie Hero Fund, etc.), are subject to the restrictions outlined in Article 11 of the Staff Regulations. Pure "fantasy decorations" are not covered.

In deciding, the Appointing Authority will take into consideration the following factors:

- the motive behind giving the honour or decoration;
- the possible consequences for the Institution's interests.

These rules also apply to former staff if the decoration or honour has any link with their work at the Commission.

Declaring the professional activities of your spouse

Under Article 13 of the Staff Regulations, you have an obligation to inform the Appointing Authority if your spouse is "in gainful employment", i.e. is doing paid work. This is in order to prevent any appearance of a conflict of interest, which could arise because of your respective professional activities. In this respect, unmarried, legally recognised partners are regarded as spouses (for precise details, see Article 1(2)(c) of Annex VII of the Staff Regulations).

If there is any change in your spouse's professional situation, you also need to declare this to the Appointing Authority which will decide on any issue of conflict of interest.

The Appointing Authority may decide, after consulting the Joint Committee, to transfer you to another post, if the nature of your spouse's employment is considered incompatible with yours and you are unable to give an undertaking that your spouse's activity will cease within a specified period.

Please note that such declarations under Article 13 of the Staff Regulations are different from the declarations you need to make to the Paymaster's Office (PMO) which may affect your allowances, health insurance for your spouse etc.

Requesting prior permission for outside activities during active service or leave on personal grounds

There are fundamental reasons for ensuring that all Commission staff ask prior authorisation to take on outside activities going beyond what can be considered to be a hobby, paid or unpaid, in order to ensure your, and thereby the Institution's, independence and integrity. At a practical level, such an outside activity should **not**:

- be so time consuming as to impact negatively on your work at the Commission, or constitute a job in itself;
- give rise to any possible appearance of a conflict of interest or be in some other way discreditable, so as to risk bringing the Commission into disrepute.

Furthermore, the amount of remuneration should be modest. The maximum net annual remuneration you may receive for any authorised external activities you undertake outside the EU institutions is € 4500 (after taxes). Anything over this amount must be turned over to the Commission.

In assessing requests for authorisation under Article 12b of the Staff Regulations, account is taken of the aspects mentioned above. In practice, while respecting these conditions, you are, for example, likely to be au-

thorised to carry out voluntary work, charity work, or limited teaching activities.

You are not allowed, however, to carry out any of the following types of activity, for example:

- outside work, whether paid or unpaid, in a "profession" (such as architect, lawyer, economist, accountant, IT professional, engineer, interpreter, doctor, translator, etc.);
- work in commercial companies, even if it is unpaid and the role is merely nominal (such as non-executive director, unpaid adviser, etc.);
- teaching or other pedagogical work, whether paid or not, for more than 100 hours per academic year, unless your Appointing Authority, after consulting the Director-General for Human Resources and Security, deems such work beneficial to the Commission.

As a rule, any request should be submitted two months before you plan to start the activity in question, to allow sufficient time for the processing of your request. Before making its decision, the Commission assesses each case on its own merits with regard to the type of work proposed.

As a holder of a special identity card, you do not have the necessary authorisation to perform any work other than that for which you were recruited by the Commission. If the Commission allows you to undertake certain outside activities, you need to keep in mind that you will be subject to the relevant national income tax rules and social legislation. In addition, no outside work may be performed either on the premises of the Institutions or during normal working hours.

Any permission granted under Article 12b of the Staff Regulations is valid for a maximum of one year from the date of the decision, or a lesser period, which will be stated in the decision. If you wish to extend or renew your permission, you must submit a new application.

It should also be noted that if you apply for 'leave on personal grounds' (*'congé de convenance personnelle' or CCP*) and request authorisation to work in this context, the Appointing Authority may make its acceptance subject to reasonable and proportionate conditions, in view of your intended activity during the period requested, and may even refuse to grant such leave, if appropriate.

More information

Commission Decision on outside activities and assignments (C(2004)1597)

Administrative Notice n° 22/2011 – Practical guidance for staff wishing to engage in volunteer activities.

Standing for public office

If you wish to stand for public office, such as a candidate in municipal, regional, national or European elections, you must first notify the Appointing Authority, in accordance with Article 15 of the Staff Regulations. After your Director-General has given his/her opinion, the Appointing Authority will decide whether, in the period leading up to the date of the election or appointment, you:

- must take leave on personal grounds (CCP);
- must take annual leave;
- may be authorised to work part-time; or
- may continue to work with no change to your hours.

Being elected or appointed

If elected or appointed to a position, you must notify the Appointing Authority without delay by filling in an appropriate form.

Then, on the basis of your Director-General's opinion and taking into consideration the interests of the Commission, the importance of the public office in question, the duties it would involve and the remuneration and expenses to which you would be entitled, the Appointing Authority will decide whether you:

- must make a request for leave on personal grounds (CCP);
- must take annual leave;
- can be authorised to work part-time; or
- can continue to work with no change to your hours.

Current administrative practice is for the Appointing Authority to require staff elected to national parliaments (either upper or lower house where applicable) or the European Parliament to take special leave (CCP) for the whole term of office.

If the Appointing Authority decides to allow you to continue working as normal at the Commission, special leave of no more than 12 days a year may be granted for this activity on the basis of a duly substantiated formal request.

Giving evidence in legal proceedings and immunity

Depending on your area of activity and your particular responsibilities, you should be aware of how to deal with requests to give evidence in legal proceedings and how the Commission applies the immunity covering your professional activities as a member of Commission staff.

Giving evidence in legal proceedings

If you are called on to give evidence in legal proceedings related to your work, you must request prior authorisa-

tion from the Appointing Authority, in line with Article 19 of the Staff Regulations. This applies also to the cases which are analogous to legal proceedings such as parliamentary inquires, in which witnesses may be compelled to appear as in Court proceedings. This obligation continues to apply even after leaving the Commission. This however does not apply for giving evidence before the Court of Justice of the European Union (including the Court of First Instance or the Civil Service Tribunal) or before a Disciplinary Board of one of the EU institutions.

To submit such a request for authorisation, you or the Commission department responsible (the Anti-Fraud Office, DG HR's Security Directorate, your Directorate-General, etc.) should send it, along with supporting documents (in particular the judicial body's request), to the Appointing Authority.

However, such requests may also be made by a national judicial or police authority without you being informed. If the Commission is asked to maintain the secrecy of the procedure, you would be informed of the lifting of your immunity only when summoned to a hearing by the national authorities.

Immunity from legal proceedings

Article 11(a) of the Protocol on the Privileges and Immunities of the European Union (PPI) stipulates that officials and other servants of the Union shall "... be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office." Be aware that this immunity exists solely in the interests of the Union (Article 17 of the PPI) and covers only acts relating to professional life. In practice, when national judicial authorities request it, such immunity is systematically lifted.

For matters relating to private life, the question of immunity does not even arise and the official is subject to national civil and criminal law[1].

Requests to lift the immunity made by national judicial authorities are dealt with by DG HR's Investigation and Disciplinary Office (IDOC). Any final decision to lift immunity is adopted by the Commission. Where the national judicial authorities ask for the procedure to be secret, the Commission must comply with that request.

In addition, Article 23(2) of the Staff Regulations requires officials to inform the Appointing Authority (i.e. the Director-General for Human Resources and Security) immediately if immunity is in dispute.

1 As has been confirmed by rulings of the European Court of Justice, Article 23 of the Staff Regulations stipulates that officials "shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force."

Right of freedom of expression (publications and speeches)

These principles are primarily of relevance when you express yourself on professional or EU matters, especially with regard to **publications or speeches**.

Article 17a of the Staff Regulations grants you the right to freedom of expression "with due respect to the principles of loyalty and impartiality."

Publications and speeches and compensation for them

Publications and speeches on professional and EU matters

If you want to publish or to have published, either on your own or with other parties, a document, such as an article or a book, on anything dealing with the work of the EU, you must inform your Appointing Authority in advance, as provided in Article 17a of the Staff Regulations.

In this respect, you must provide the Appointing Authority with any relevant information, in particular a copy, in electronic form, of the document you intend to publish. This must be accompanied by a summary, in electronic form, in one of the Commission's working languages.

Where the Appointing Authority can demonstrate that the matter is liable to prejudice seriously the legitimate interests of the Union, it has to inform you of its decision within 30 working days of receipt of the information. If it does not reply within this time limit, the Appointing Authority is considered to have had no objections. However, the lack of a reaction does not prejudice the possible application of such a provision as Article 12 of the Staff Regulations, if the publication turns out to contain material which is, for example, defamatory or insulting. Nor does it preclude the possible application of Article 24 of the Staff Regulations, if other officials request assistance against what they may see as defamatory statements in the work. The author remains personally responsible for the published material.

These rules and procedures also apply to speeches and any form of public or private communication outside the scope of your duties, where they relate to EU matters and are or may be published. Blogs are subject to the same principles as publications.

Limitations on the freedom of expression

While the Staff Regulations (Article 17a (1)) grant officials and other staff the right to freedom of expression, when it comes to your professional activity this is subject to the following conditions being met:

- you must show restraint and caution in expressing opinions, especially when these obviously diverge from well-known policies of the institution; this is particularly so if you occupy a management post;
- such opinions or any others regarding EU policies must be expressed with moderation and under your sole responsibility (i.e. with a disclaimer);
- As a general rule you should refrain from tackling professional issues linked to specific files you are in charge of, if outside your working environment.

You are also subject to the rules concerning non-disclosure of information and the confidentiality requirement (discussed in the chapter on 'Relations with the public').

Remuneration

If the publication (including its writing/preparation) or speech would entitle you to any financial payment, you must ask your Appointing Authority for prior authorisation to accept it (see also section above on "Requesting prior permission for external activities").

Royalties received for publications, to which the Appointing Authority raised no objections, are not subject to the net annual ceiling of €4500 that applies to work you are authorised to undertake outside the Commission.

If a publication or speech forms **part of your work during a mission for the Commission** (e.g. it may happen that you are offered a fee for a speech you make while on outside assignment, which would count as part of your normal work), you must specify the exact amount in your travel request (mission order form) or at least in your subsequent expenses claim (mission declaration of expenses). If you receive the payment after your expenses for the assignment are reimbursed, you must inform the service responsible for dealing with reimbursement of mission expenses. If you make a speech in the same location as your place of work, you must declare any amounts you receive to the Remunerations section of the PMO. These are then deducted either from the balance of your expenses claim or from your next salary payment.

Publications and speeches on other (non-EU) matters

For publications or speeches on non-EU matters, you do not require any authorisation to publish. However, if the publication (including its writing/preparation) or speech could be considered as an outside activity, notably, if under contract, and/or would entitle you to any financial payment, you must ask your Appointing Authority for prior authorisation to accept it (see also section above on "Requesting prior permission for external activities"). Royalties received for such publications are not subject to the annual ceiling of €4500 that applies to work you undertake outside the Commission.

Please note that in this case too, blogs are subject to these rules.

Regarding **social media (Twitter, Facebook, Youtube….)**, staff should remember that they must, as a matter of principle, only use them in their personal capacity. This should be clarified in an appropriate way (for instance in the "profile"). Statements and opinions are personal and do not represent the Commission's position. They should not give the impression of doing so. In any event, when using social media, you should act responsibly and therefore refrain from any actions or statements which might reflect adversely upon your position and the Commission (Article 12 of the Staff Regulations. When activities in social media amount to actual publications on EU-related matters prior notification required.

An exception is made when the staff member is specifically authorised to represent the Commission's views.

More information

Administrative Notice n° 34/2011 – Social Media Guidelines for all staff

Obligations after leaving the service

During their professional life, officials acquire not only professional experience but also a certain "standing" linked to their position in the European public service, and they may have had access to sensitive information. While there is nothing wrong in this, any privileged situation should not be used in a way that would cause a situation of conflict of interest or damage the Commission's image. This is why even after leaving the service, former officials and staff are still subject to certain obligations. In particular, they must *"behave with integrity and discretion"*, as stipulated in Article 16 of the Staff Regulations.

Former officials and staff are therefore bound not to accept any duties or professional activities after leaving the service that would be incompatible with

the interests of the Union. If you are intending to engage in an occupational activity, whether paid or unpaid, within two years of leaving the service, you must inform the Commission. If that activity is related to the work carried out during your last three years of service and could lead to a conflict with the legitimate interests of the Commission, the Appointing Authority could forbid you from undertaking it or give its approval subject to any conditions it sees fit. The Commission has 30 working days to notify you of its decision. If no such notification has been received by the end of this period, this is deemed to constitute implicit acceptance.

If in doubt, please contact DG HR. B.1 and you will be told what details are needed to assess your case.

Recipients of an invalidity allowance or an invalidity pension may only take up gainful employment if they have first been authorised by the Appointing Authority.

According to Article 339 of the TFEU "(...) the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components."

Former officials and staff must also at all times and without limitation in time *"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"*, in line with Article 17 of the Staff Regulations. Staff members leaving the service are required by DG HR to sign a "Declaration of Honour" which includes a commitment to restore, at the time of departure, any document or written notes belonging to the files or the series of non-public documents managed by the official during his/her activities at the Commission.

Under Article 19 of the Staff Regulations, former officials and staff also continue to be bound by the obligation with regard to giving evidence in legal proceedings (see section above).

More information

Commission Decision on outside activities and assignments (C(2004)1597)

7. Prevention and sanctions

What if something goes wrong? Notwithstanding existing rules, it may happen. The Commission has a series of means for resolving these problems, ranging from prevention to disciplinary procedures.

This section of the guide seeks to offer you some general advice when confronted with ethical problems. It is important to know what to do if confronted with some difficult situations as the result of the behaviour or conduct of other colleagues, such as serious wrongdoing or harassment.

It is also important to know how the Commission investigates reported violations of obligations and, where appropriate, pursues disciplinary proceedings.

Ethical reasoning

In trying to resolve possible ethical dilemmas, which can arise when different values and principles come into conflict with one another, think about the following suggestions:

- **Analyse the situation** by looking at the facts, circumstances and relevant rules, in order to identify possible options;
- **Consider the consequences** of the different options, as well as the consequences of not acting;
- **Check** whether other persons involved (hierarchy, colleagues) agree with the options you identify or see alternatives;
- **Take action** based on the best option identified;
- **Evaluate** the real impact of your action and any feedback; as such experience can serve as a precedent or a good point of departure when faced with a similar situation in the future.

Financial liability

While it is not the focus of this guide, depending on your duties, you may also have financial responsibilities. In this respect, it is important to recall that, as laid down in Article 22 of the Staff Regulations, as a member of staff, you could be required to make good, in whole or in part, any damage suffered by the Union as a result of serious misconduct in connection with the performance of your duties. Obviously, this does not concern a simple error or a slight mistake causing financial damage. However, financial liability could be invoked if you have caused financial damage through deliberate, improper behaviour or gross negligence. In such cases, all relevant circumstances are taken into account before any decision is taken. For more information, see the guidelines for applying Article 22 adopted by the Commission (SEC(2004)0730).

For comprehensive information on **budget management and implementation, accounting and financial reporting, internal control issues, procurement and other related issues**, you should consult DG Budget.

For more information on **internal audit** activities, see the Internal Audit Service's website on Europa: http://ec.europa.eu/dgs/internal_audit/index.htm

For more information on the **anti-fraud** activities, see OLAF's website on Europa: http://ec.europa.eu/anti_fraud/index_en.html

Reporting serious wrongdoing (Whistleblowing)

All organisations face the risk of things going seriously wrong or of unknowingly harbouring a corrupt individual. Usually, the first people to suspect or realise that there is a problem are those who work in the organisation or with it. In tackling cases of wrongdoing it is crucial to have a reporting system in place that inspires confidence and can help break down any 'walls of silence'. The Staff Regulations seek to address the problem through requiring staff to report any possible

serious wrongdoing (Article 22a) and by protecting staff who report such cases (Article 22b).

The 'whistleblowing' procedure

You are obliged to report facts pointing to a possible illegal activity, including fraud or corruption, or to a serious failure to comply with the professional obligations of Commission staff. This obligation only applies to facts discovered in the course of or in connection with your professional duties.

If you become aware of any serious wrongdoing, you should report it in writing and without delay to either your Head of Unit, your Director-General or the Secretary-General of the Commission, or to the European Anti-Fraud Office (OLAF) directly.

Whoever receives this information is required to transmit it without delay to OLAF.

When such information is received from a whistleblower, OLAF or the Commission must:

- inform the whistleblower within 60 days of how much time is needed to take appropriate action; and
- take appropriate action within the period of time indicated.

If no appropriate action is taken within that time, the member of staff may turn to another EU institution – the President of either the Council, the European Parliament, the Court of Auditors, or the European Ombudsman. Given the duties of discretion and loyalty, this should be an option of last resort, justifiable only if the staff member concerned honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true and he or she allowed the Commission or OLAF a reasonable period of time to take appropriate action. If such an external disclosure is necessary, it is advisable to let the facts speak for themselves.

Any whistleblower who complies with these conditions will be protected from adverse consequences. This covers the identity of the whistleblower, as well as the mobility and staff report of the person concerned. Naturally, in order for the Commission to be able to apply such protective measures, the person concerned will need to identify themselves to the Institution, and observe the whistleblowing procedure.

Confidential and impartial guidance to potential whistleblowers will be given by the Ethics Correspondents in each DG.

More information

Communication from Vice-President Šefčovič to the Commission on Guidelines on Whistleblowing – SEC(2012)679

Harassment

The Commission does not tolerate harassment, in line with Article 12a of the Staff Regulations. In the work environment, the Staff Regulations distinguish between two particular types of harassment – psychological and sexual – and the Commission has a specific policy to deal with such cases (Decision (C(2006)1624/3/final).

Psychological harassment

Psychological harassment covers all forms of **sustained, intentional, abusive behaviour, whether this is repetitive or systematic** conduct, words, acts, gestures or writing which may **undermine the personality, dignity or physical or psychological well-being of a person**. It comes in many different guises: bullying, antagonism, pressure, offensive behaviour, even refusal to communicate - all examples of unacceptable behaviour which may, in isolation, appear of little consequence. When occurring on a regular basis, however, these kinds of behaviour can cause serious harm to the person towards whom they are directed.

Sexual harassment

Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of men and women at work. This can include any unwelcome verbal, non-verbal or physical behaviour. The essential characteristic is that it is **unwanted by the recipient**.

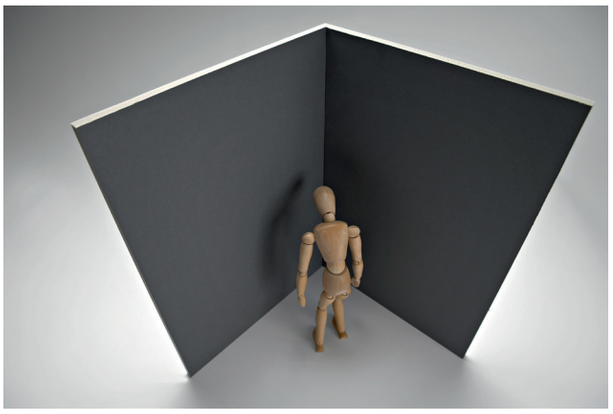
Commission policy

In the framework of the policy put in place by the Commission, two procedures have been established for dealing with potential harassment situations, a formal and an informal one. As a first step, staff members are strongly advised to resolve the problem through conciliation via the "informal procedure" which provides support and someone to speak to in strict confidentiality (Confidential Counsellor or Mediator). If necessary, emergency measures can be taken (such as a quick transfer in the interest of the service). The informal procedure provides follow-up and may lead to an amicable resolution of the conflict, but it does not involve any formal qualification of the case or sanctions. In contrast the formal procedure – under Article 24 of the Staff Regulations - aims to determine whether the allegations of harassment can be proven, assessing the facts and, when appropriate, applying sanctions in the framework of the disciplinary procedure. These two procedures are detailed in the Decision adopted by the Commission.

More information

Commission Decision on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment – C(2006)1624/3

Administrative inquiries and disciplinary procedures



The disciplinary system, which essentially involves administrative inquiries and disciplinary procedures, applies to any failure by a staff member or former staff member to comply with his or her obligations under the Staff Regulations, whether intentionally or through negligence. As explained in the preceding chapters, this can include conduct in private life, such as offences under national criminal law.

The primary tasks of the Commission's Investigation and Disciplinary Office (IDOC) are:

- The impartial and independent conduct of administrative inquiries, the aim of which is to collect facts and to verify whether any obligation as laid down in the Staff Regulations may have been breached.
- The conduct of disciplinary procedures. Disciplinary procedures are opened once there is evidence that any obligation contained in the Staff Regulations may have been breached.

There is a clear procedural and operational separation between, on the one hand, administrative inquiries and, on the other hand, disciplinary procedures. The first phase is necessary only if the facts have not been established beforehand.

Examples of cases where inquiries/disciplinary procedures have been conducted include: breaches of financial rules (such as public procurement), conflicts of interests (favouritism), corruption, allegations of psychological or sexual harassment, convictions in a criminal case, theft of Commission material, committing fraud and falsifying documents, abuse of IT-equipment, and improper behaviour.

It should be noted that administrative inquiries can be carried out by either the European Anti-Fraud Office (OLAF) or IDOC, depending on the nature of the case. Cases involving fraud and other serious financial irregularities are usually dealt with by OLAF (which can lead to criminal proceedings before national courts).

More information

General implementing provisions on the conduct of administrative inquires and disciplinary procedures – C(2004)1588

For IDOC Annual Activity Reports see:
https://myintracomm.ec.europa.eu/hr_admin/en/idoc/Pages/manual_reports.aspx

Annex I

http://www.cc.cec/statut/_en/tit12.htm

Annex II

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2000/l_267/l_26720001020en00630066.pdf

Annex III
List of main reference documents regarding ethics by domain

General	1. Staff Regulations 2. Communication from VP Kallas to the Commission on enhancing the environment for professional ethics – SEC(2008)301 3. Public service principles for the EU civil service – European Ombudsman 2012
Relations with Public and Media	4. Code of Good Administrative Behaviour – 2000/633/CE 5. General guidelines for 'Staff as Ambassadors' – SEC(2007)912/9 6. Social Media Guidelines for all staff – Administrative Notice n° 34/2011
Gifts	7. Communication from Vice-President Šefčovič to the Commission on Guidelines on Gifts and Hospitality for staff members – SEC(2012)167
Outside activities	8. Commission decision on outside activities and assignments – C(2004)1597 9. Practical guidance for staff wishing to engage in volunteer activities – Administrative Information n° 22/2011
Use of ICT services	10. Communication from the President on Commission policy on the internal use of email – SEC(2009)1412 11. Acceptable use of the Commission's ICT services – Administrative Notice n° 45/2006
Financial Liability	12. Guidelines for applying article 22 of the Staff Regulations (financial liability of officials) – SEC(2004)730/5
Harassment	13. Commission decision on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment – C(2006)1624/3
Whistleblowing	14. Communication from Vice-President Šefčovič to the Commission on Guidelines on Whistleblowing – SEC(2012)679

Annex III
List of main reference documents regarding ethics by domain

Conflict of interests	15. Financial regulation – Art 57 16. Mission guide – point 6: Expenses paid by organisers
Disciplinary issues	17. General implementing provisions on the conduct of administrative inquires and disciplinary procedures – C(2004)1588

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Unit 'Ethics, Rights and Obligations'