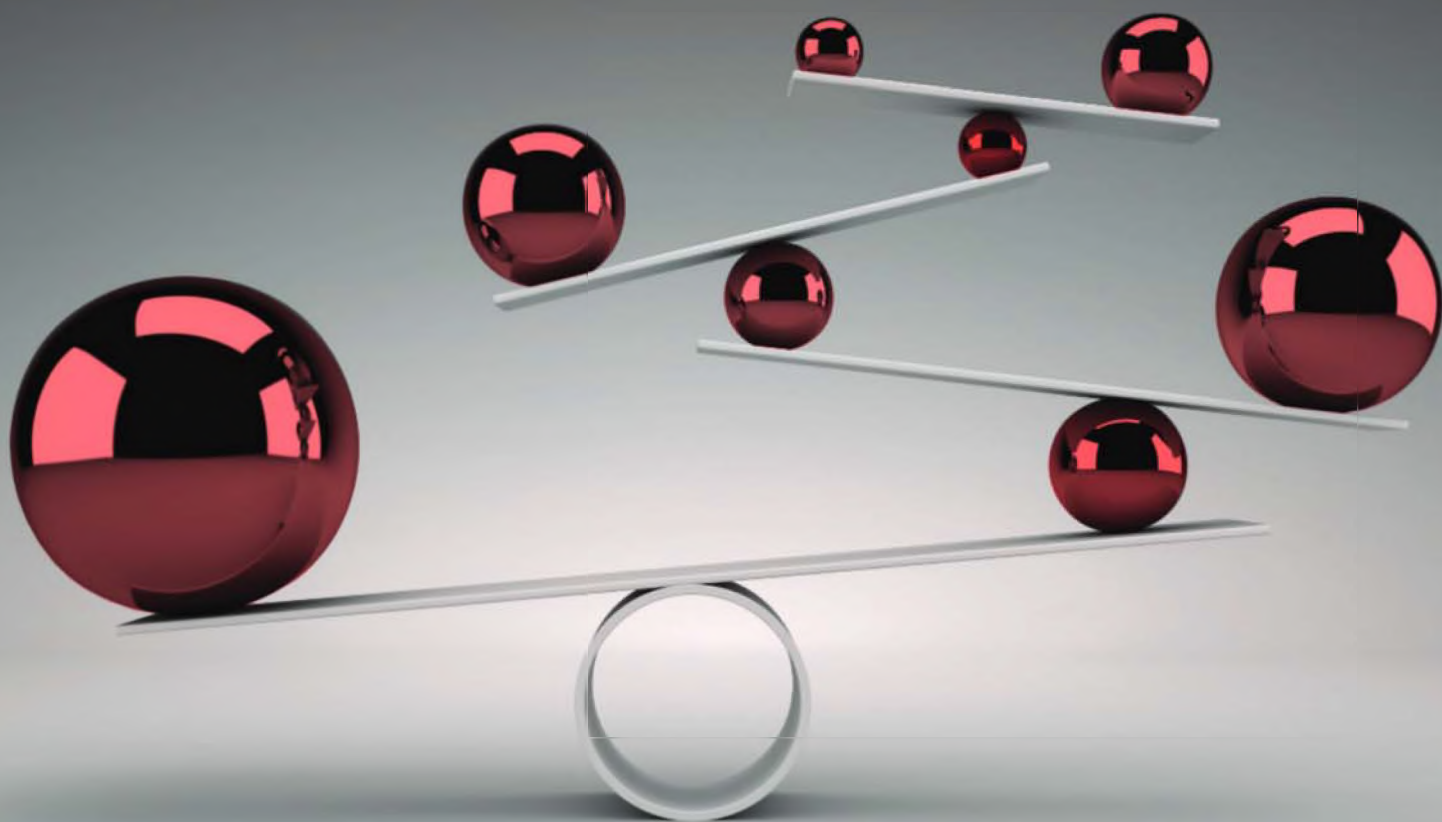




European
Commission

PRACTICAL GUIDE TO STAFF ETHICS AND CONDUCT



Legal Affairs

ETHICAL ORGANISATION

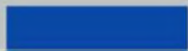


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1. Introduction and scope of application

The Commission has a threefold role within the EU institutional system: it is the guardian of the Treaties, it initiates legislation, and it manages 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 of independence, integrity, impartiality, and objectivity.

Ethical behaviour is a way of life and applies to how you interact within the Commission, be it with your manager, 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.

This Guide looks at how these ethical standards should be applied by the individual staff member on three levels - relations with the public, behaviour at work, and individual obligations. A breach of these standards can lead to disciplinary measures.

The [Staff Regulations](#) (and the CEOS¹) 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 the 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

¹ Conditions of Employment of Other Servants of the European Union

the public. The 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.

This guide is for Commission statutory staff (officials, temporary agents, contract agents, and special advisers). 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 specific employment situation².

The guide provides wide-ranging information and advice on a variety of issues, 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 individual obligations, it should be kept in mind that the details of each case vary and staff must therefore exercise sound judgement and common sense in weighing up the particular aspects of a given situation. This guide provides tools to help staff in this process.

The [Staff Matters portal](#) provides dedicated pages per ethical topic where additional concrete examples of real life situations triggering ethical questions can be found.

Disclaimer

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

Only the legal texts are binding and these must be referred to either by the Commission administration or by any Commission staff member in any legal or administrative proceedings.

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, see Decision C(2016)3301.

2. Principles of staff ethics and conduct



Ethical principles

Only by aspiring to the highest standards of integrity can we all 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 general interest of the European Union, our conduct, advice and decision-making must be irreproachable and guided by the following principles:

- **Independence** - staff conduct, advice to superiors, 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** - staff are called upon to be unbiased in any advice or decision they are asked to give or make.
- **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 in order to safeguard its independence, and contribute to 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 ourselves with a due sense of proportion at all times.

- **A sense of responsibility** - carrying out tasks as dutifully as possible and looking for solutions when difficulties arise. 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 explain and 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 ethical conduct, staff should:

- **Serve the interests of the European Union** exclusively, act with integrity and be objective and impartial in their work;
- **Be loyal** to the Commission;
- Provide citizens and others with the **high-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 their **tasks responsibly** and to the best of their ability;
- Treat colleagues with **respect**;
- Make sure that 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 line management or the central Ethics unit in DG HR (Unit HRE.3 Ethics and Ombudsman) that is dealing with ethics and the prevention of harassment in the Commission.

3. The Ethics reference points in the Commission



HR.E.3 – “Ethics and Ombudsman”

SG.C.2. – “Ethics, Good Administration & Relations with the European Ombudsman”

IDOC and OLAF

SG.C.1 – “Transparency, document Management & Access to Documents”

HR.E.3 – “Ethics and Ombudsman”

HR.E.3 (‘Ethics and Ombudsman’) is responsible for policy issues in the area of ethics, as well as for processing all ethics requests, providing advice about ethical questions, and awareness-raising and outreach activities. It also serves as a contact point on ethics matters for all the Commission staff.

When dealing with queries from staff, the colleagues in HR.E.3 act in confidence and can reply to requests related to individual obligations and relations with the public (Title II of the Staff Regulations), notably regarding:

- **conflicts of interest:**
 - ad-hoc,
 - on recruitment,
 - on return from leave on personal grounds (CCP),
- **honours and decorations;**
- **gifts and hospitality;**
- **outside activities:**
 - during active service,
 - during leave on personal ground,
 - after leaving the service,
 - during invalidity.
- **public office (candidacy and tenure);**
- **the right of freedom of expression;**
- **publications and speeches to be published**

- **testimony in judicial proceedings**
- **spouse employment**

SG.C.2. – “Ethics, Good Administration & Relations with the European Ombudsman”

For any questions regarding Commissioners and the overall broader coordination in respect of Public Service ethics, SG.C.2. – “Ethics, Good Administration & Relations with the European Ombudsman” is the contact point.

IDOC and OLAF

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

SG.C.1 – “Transparency, document Management & Access to Documents”

For any question regarding contacts with interest groups, SG.C.1 – “Transparency, document Management & Access to Documents” is the contact point.

4. Relations with the public



IN A NUTSHELL

Serving the citizen

- Lawfulness
- Non-discrimination and equal treatment
- Proportionality
- Consistency
- Objectivity and impartiality
- Timely answer to citizen's queries

Requests for information and documents

- For non-published document, contact your DG coordinator for the handling of applications for access to documents.
- Refer any journalist directly to the Spokesperson's Service.
- Do not discuss matters on which the Commission has not adopted an official position.

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

All staff members can have an impact on how the Commission, and, by extension, on how the EU, is seen - through their professional activities, as well as in their life outside work. How they act will influence the image that people form of the Commission and its staff. Staff should think of themselves at all times as 'ambassadors' 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 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.
- **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 EU interest, and for the public good. They should act independently and within the framework of the policy fixed by the Commission. Their conduct should never be guided by personal or national interest or political pressure.

The citizen's right to information

Any EU citizen or any natural or legal person residing or whose registered office is 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 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. Answers should be in the same language as the request, provided this is one of the EU official languages. Contact details should also be included. Written responses must be registered and filed.



For written correspondence, a substantive answer should be provided within 15 working days

Code of Good Administrative Behaviour

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 calls as promptly as possible. When dealing with enquiries in their field of responsibility, they should establish the caller's identity and check whether the 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. It is important to guarantee continuity of service by ensuring, wherever possible, that phones are answered or use made of voice mail.

Where correspondence can reasonably be considered as "repetitive, abusive and/or pointless" (Code of Good Administrative Behaviour), the Commission reserves the right to discontinue any such exchanges. Each service is responsible for taking such a decision.

E-mails should be answered promptly in line with the guidelines on telephone calls and documents. An e-mail 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 and should be subject to the same deadlines. To guarantee continuity of service, staff should use the 'out of office' function when they are not available and give the name, telephone number and e-mail of a contact point. These provisions do not apply to messages and comments received on the Twitter and/or social media accounts of the Commission, Commissioners, or staff.

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 inquiries outside your field of professional competence, it may be appropriate to redirect a citizen to the responsible service, or the Commission's Europa Website.

For more information regarding the use of social media see [Social Media Guidelines for staff - Administrative Notice n° 04/08.01.2019](#).

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

Requests for information and documents

The principle of transparency requires giving the citizen the opportunity to request access to the documents held by the Commission. Specific guidance for officials on how to deal with these requests is available on GoPro and on the MyIntracomm webpages concerning access to documents.

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

The legal framework governing the **right of access to documents** is 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, the

right to request access to documents concerns only already existing / documents held by the Institution. Furthermore, **access to a document has to be refused** (totally or partially) **if its disclosure would undermine the protection of one or several of the public or private interests** covered by the exceptions defined in Article 4 of Regulation 1049/2001. These include, amongst others, privacy and the integrity of the individual, public security, the protection of inspections, audits and investigations, and the protection of the decision-making process.

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.

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.

More information

For guidance on access to documents and contact details, see [the guidance on the MyIntracomm website](#).

What should you do if contacted by a journalist?

As a rule, DG Communication and the Spokesperson's 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 Spokesperson's 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 line management 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 to 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 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 will always be done on a “background” basis.

When participating at conferences or other external events as part of your duties, be aware that there may be members of the media present, and prepare for questions that may arise, in coordination with your DG’s information and communication unit or media officer.

In addition, you may also be faced with a request for an interview on a topic which, while not part of your professional duties or domain of competence, is nevertheless about the work of the EU. An example might be if your local media wants to interview you about your experience on your work with the Commission. In this sort of situation, you

should check with your communications unit and the spokesperson’s service. You will also need to put in a request for an outside activity, as this activity is not directly connected to your duties.

Please note that Directors-General and other senior officials are often called on to talk to the media on subjects falling under their responsibility. They will coordinate their statements with the Commissioner concerned, the SPP, 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 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. Lobbies operate around the European institutions in Brussels and beyond, representing practically every policy area and sector of commerce, trade, industry, services, consumer protection, regional policy, etc. Various organisations may lobby, including professional consultancies, law firms, trade associations, companies, non-governmental organisations, academic institutions, and others. They seek to influence the law-making and policy implementation processes of the EU institutions.

The Commission has an obligation to listen to all parties as well as citizens, civil society, and representative associations. The Commission's overriding principles regarding contacts with interest representatives are transparency, integrity, and equality of access.

On the one hand, interest groups operating in a healthy democratic system can provide valuable input in order to initiate and implement legislation and policies that take full account of the specificities of the domain concerned.

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

Since 1 December 2014, Commissioners, Members of Cabinets and Directors-General can only hold meetings on issues relating to policy-making or implementation with organisations and self-employed individuals that are registered in the Transparency Register. Information on these meetings, as well as those involving Directors-General, is published on Europa. For all other staff, it is recommended to check the credentials of a given interest's representative to make sure that they are in the Transparency Register, which includes a binding

Code of Conduct for interest representatives. If they are not in the Register, staff should always invite them to register before having further contacts.

Where meetings with interest group representatives are considered appropriate, these should be held in a professionally correct manner, if possible on Commission premises, with an agenda and in the presence of another colleague, *i.e.* in a way that cannot give rise to any reputational issues. Staff should inform their line management about the meeting in advance as well as 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.

The European Ombudsman has issued a list of [“Dos and Don’ts”](#) to help EU officials deal with lobbyists ensuring that they do not inadvertently breach ethical norms. The Commission has endorsed these practical recommendations and has asked all services to follow them.

More information

[Transparency Register](#) & [Dos and Don’ts list](#)
Follow training on lobbying: consult courses available in [EU Learn](#)

Protection of personal data

The protection of privacy and the protection of natural persons in relation to the processing of personal data are fundamental rights. Article 8 of the Charter of Fundamental Rights of the EU and Article 16 of the TFEU provide that everyone has the right to the protection of personal data concerning them.

In the EU Institutional context, the individual's legally enforceable rights and the obligations of the Institution concerned with regard to the processing of personal data are set out in [Regulation \(EC\) 2018/1725](#). This Regulation builds on the same principles and concepts as the [General Data Protection Regulation \(GDPR\)](#), which applies to Member States since 25 May 2018. It replaces [Regulation \(EC\) 45/2001](#).

Personal data processing operations cover a wide range of activities such as collecting, transfer or storage of personal 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, sex life, or sexual orientation.

The data subject (meaning the person whose personal data are concerned) has the right to be informed of the personal data processing operations (before the first occurrence) and has the right to access, rectify, and, where appropriate, block or erase data, object to the processing and receive compensation for any damage. Staff who fail to comply with the obligations under the data protection rules shall be liable to disciplinary or other action, in accordance with the Staff Regulations.

More information

[REGULATION \(EU\) 2018/1725](#) OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the

Personal data means any information relating to a natural person who can be identified, directly or indirectly, in particular by reference to an identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing [Regulation \(EC\) No 45/2001](#) and [Decision No 1247/2002/EC](#)

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, sensitive information for the decision-making process 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.

The Commission takes a strong line on the leaking of information by staff, and this can include disciplinary consequences.

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 always 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 (Art. 22 of the Staff Regulations). As a member of staff, you

Ensure that confidentiality of business information does not fall into unauthorised hands, if necessary by storing it in secure locations.

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 espionage. 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, including through training. In general, this means considering what needs to be done in your immediate environment to protect the information you are dealing with. Staff who compromise EU classified information by letting it fall into the hands of unauthorised persons face disciplinary procedures and/or criminal prosecution.

Get familiar with the Commission's security provisions before dealing with

- top secret
- secret
- confidential and
- restricted documents.

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 with public funds in a right and proper way.

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, reasonable expenses corresponding to diplomatic and courtesy usage.

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).

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.

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.

5. Behaviour at work



IN A NUTSHELL

Relations with management

- You are responsible for the performance of the duties assigned to you
- Carry out your duties to the best of your abilities
- Assist and tender advice to your superiors

Relations among colleagues

- Treat colleagues with respect and impartiality
- Good working relationships involve:
 - Teamwork
 - Polite and clear communication
 - Conflict resolution
 - Zero tolerance for any form of harassment

Commission means of communication

Do not use them:

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

Relations with management

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).

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 for any form of psychological and sexual harassment.**



Use of Commission means of communication

Computer equipment, e-mail and Internet access, telephones, mobile phones and photocopiers are provided 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, or
- in any manner contrary to the interests and reputation of the European Union.

For telephones and mobile phones, occasional personal use is permitted at your expense. For telephones, 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. For Commission-owned mobile phones, you should indicate your private calls on the monthly statements on e-Gestel, the cost of which is then deducted from your salary.

For photocopiers and email, incidental personal use is acceptable. With regard to e-mail, be aware that you should not send messages to a wide or indiscriminate numbers of addressees (within or outside the Commis-

sion), or ask others to send out such messages widely. With respect to Internet use for private purposes, again, incidental use is acceptable. However, 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 section on 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 ask DG HR to open an investigation into your use of these services.

More information

See the Guidelines for staff on the use of the Commission's information and communications technology (ICT) services ([Administrative Notice n° 24/2016 of 18 May 2016](#)) and the Communication from the President on Commission policy on the internal use of e-mail ([SEC \(2009\) 1412](#)).

6. Individual obligations



IN A NUTSHELL

Conduct reflects on your position

- Professional and private behaviour inside or outside the Commission should not bring the European civil service into disrepute

Giving evidence in legal proceedings and immunity

- Seek prior permission to give evidence in legal proceedings related to your work
- Immunity from legal proceedings covers only acts relating to professional life

Obligations after leaving the service

- Behave with integrity and discretion
- Seek prior authorisation for any work you may wish to undertake, for a period of 2 years after leaving the service
- Do not disclose confidential information you received during service
- Seek permission to give evidence in legal proceedings related to your work

Avoid conflicts of interest

- Inform the Appointing Authority immediately if you have to deal, in the performance of your duties, with a matter in which, directly or indirectly, you have a personal interest, such as to impair your independence
- Declare your partner's gainful employment
- Seek prior authorisation for outside activities
- Seek prior authorisation for any work you may wish to undertake, for a period of 2 years after leaving the service
- Declare Gifts, Decorations & Honours

Freedom of expression

- Pay due respect to the principles of loyalty and impartiality
- Show restraint, moderation and caution and respect confidentiality
- Inform the Appointing Authority before publishing anything dealing with the work of the EU
- Refrain from any statements, including in social media, that might reflect adversely upon your position and the Commission

To maintain the Commission's independence and credibility, as a member of staff, you are subject to certain requirements which affect the exercise of your duties and which 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, outside activities, spouse's employment, or publications or speeches on EU-related matters). This must be done at your own initiative.

In this chapter, frequent reference will be made to the concept of an 'Appointing Authority'. This term 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 expression "Appointing Authority".

In general terms, for most procedures, the Appointing Authority 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 directorate or unit to which Appointing Authority powers have been subdelegated). 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 by consulting HRE.3 (Ethics

and Ombudsman, or consult information available on MyIntracomm).

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.

Conduct reflecting on your position

In general terms, you should refrain from any action or behaviour that 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.

Acts or behaviour that risk bringing the Commission into disrepute can lead to disciplinary proceedings. This could be the case, for example, if you were to be convicted of a crime or a misdemeanour.

Avoidance of conflicts of interest

The overriding idea behind avoiding any conflict of interest or 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 in the first place. Anyone 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:

- declaring your spouse's or partner's gainful employment,
- providing immediate declaration, 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 outside activities you may wish to undertake during active service or leave on personal grounds,
- seeking prior authorisation for any work you may wish to undertake, for a period of two years after leaving the service,
- declaring beforehand your intention to stand for public office,
- declaring beforehand the intention to publish any texts on matters dealing with the work of the EU.

Anyone can find themselves in a conflict of interest situation, despite taking all precautions. If this happens, be clear about what to do.

Declaring an ad hoc 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 inform the Appointing Authority immediately by filling in the appropriate declaration form. It is also advisable to inform your own line management. Conflicts of interest that may arise within the framework of a budgetary action are addressed by the Financial Regulation (Article 61).



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 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 EUR, you must apply for permission to accept it. In any event, permission will not be granted if the value exceeds 150 EUR. You should avoid accumulating gifts (even below 50 EUR and independently of the source) as this can be a source of conflict of interest.

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, or perceived 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 prior authorisation from the Appointing Authority.

Seek permission to accept a gift with an estimated value of more than 50 EUR.

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 and authorised travel (C(2017)5323) - points 2.9 and 3.3.6.

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 they are in the interests of the service and if there is no risk of any real, apparent, or potential conflict of interest. Before the beginning of the mission, the Authorising Officer must check that there is no such conflict of interest and confirm this 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.

Honours and decorations (medals)

Bearing in mind the overriding principle of independence, you should not accept an honour or decoration from any government or other source without prior permission from the Appointing Authority. There is 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 was working for the Commission, which requires an assessment by the Appointing Authority.

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 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 assessing these requests, the Appointing Authority will take into consideration the following factors:

- the reason for 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 gainful employment of your spouse

Under Article 13 of the Staff Regulations, you must inform the Appointing Authority if your spouse is “in gainful employment”, i.e. is doing paid work. This is

notably in order to prevent any appearance of a conflict of interest that could arise because of your respective professional activities. In this respect, unmarried but 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, or indeed, your own, you must also declare this to the Appointing Authority, which will decide on any issue of conflict of interest.

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, the Appointing Authority may decide to transfer you to another post, after consulting the Joint Committee. Please note that declarations under Article 13 are different from the declarations you need to make to the Paymaster’s Office (PMO) that may affect your allowances, health insurance for your spouse etc.

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

Under the Staff Regulations and the Conditions of Employment of Other Servants of the European Union

(‘CEOS’), an official or agent wishing to engage in an outside activity shall first obtain the permission of the Appointing Authority.

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 risk bringing the Commission into disrepute.

To give guidance on the application of the Staff Regulations and the CEOS, a new Commission Decision on outside activities was adopted in 2018, which introduces a series of clarifications, simplifies processes, and takes into account experience gained from the practical applications of the previous rules.

The 2018 Decision on outside activities clarifies that:

- there is no obligation to seek prior permission from the Appointing Authority for unpaid activities that meet cumulative conditions (they are unpaid; not pursued in a professional

capacity; not performed for an outside entity; they are performed outside agreed working hours; do not compromise the impartiality or objectivity of the staff member; the activity does not have a negative impact on the reputation of the Institution; other Staff Regulation obligations are complied with). The Appointing Authority’s permission is deemed to be granted because these activities are considered not to interfere with the performance of the staff member’s duties and to be compatible with the interests of the Institution. Examples of activities for which prior permission is deemed to be granted include unpaid charitable, teaching, well-being, and sport, cultural or political activities, provided all conditions set in the Decision are met.

- some activities cannot be permitted in any case by the Appointing Authority. These are activities, which, by their very nature, are liable to interfere with the performance of the staff member’s duties and/or are incompatible with the interests of the Institution. This is for example the case of activities performed during working hours or giving rise to a conflict of interest. The activity is also prohibited when the remuneration of that activity, by itself or combined with the remuneration of other permitted activities, exceeds the ceiling of 10 000 EUR net per calendar year.

All the activities for which prior permission is not deemed to be granted as referred to above, will have to be submitted for authorisation and will be assessed on a case-by-case basis by the Appointing Authority. This will, for example, include paid teaching activities and paid activities related to sport or wellbeing.

More information

Commission Decision on outside activities and assignments and on occupational activities after leaving the service ([C\(2018\)4048](#)) and the [Administrative Notice n° 22/2011](#) - Practical guidance for staff wishing to engage in volunteer activities. Guide to missions and authorised travel C(2017)5323)- points 2.9 and 3.3.6.

Commercial or professional activities are no longer subject to a blanket ban but rather to a case-by-case analysis. These activities should be notified.

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 request to be processed. Before making its decision, the Commission assesses each case on its own merits with regard to the type of work proposed.

If the Commission authorises 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.

For outside activities while in active service, any permission granted under Article 12b of the Staff Regulations is valid for the period indicated in the request. A new request is needed only if there is a change in outside activity or in job duties.

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.

Standing for public office, being elected or appointed

If you wish to stand for public office, such as a candidate in municipal, regional, national or European elections, you must first inform 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;
- must take annual leave;
- may be authorised to work part-time; or
- may continue to work with no change to your hours.

If elected or appointed to a position, you must also inform the Appointing Authority immediately 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;
- 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 leave on personal grounds (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 based on a duly substantiated formal request.

For more information, consult Commission Decision [C\(2019\)1120](#) final on the conduct of officials and other staff during the European elections campaign in 2019.

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 authorisation from the Appointing Authority, in line with Article 19 of the Staff Regulations. This applies also to procedures that are analogous to legal

proceedings such as arbitration, 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 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. These files are processed by DG HR.E3.

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.

For matters relating to private life, the question of immunity does not even arise and the official is subject to national civil and criminal law¹.

Requests to lift 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.

Right of freedom of expression (publications, conferences and 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."

These principles are primarily of relevance when you express yourself on EU matters, especially with regard to publications or speeches that will or may be published.

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."

Publications

Publications on 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 by 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 European 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 no objections. However, the lack of a reaction does not prejudice the possible application of a provision such 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 about their work. The author remains personally

responsible for the published material. This is the case even if there is a disclaimer on the publication.

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.

Publications on non EU matters

For publications which are not related to European matters, staff members do not require any authorisation to publish.

However, if the publication (including its writing/preparation) could be considered an outside activity, notably, if carried out on a regular basis (e.g. if the staff member signed a contract to regularly provide pieces for publication), staff members must ask their Appointing Authority for prior authorisation.

Conferences and speeches on EU matters

Participation to conferences or giving speeches on the same domain of your work at the Commission or on general matters related to the work of the Commission should be declared as an outside activity where it is not performed as part of your duties. If the content of the speech or the conference would subsequently be

published, the staff member should also inform their Appointing Authority, using the publication declaration form (Article 17a(2) of the Staff Regulations).

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 the case 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);
- you need to pay due respect to the principles of objectivity, loyalty and impartiality;
- you are also subject to the rules concerning non-disclosure of information and the confidentiality requirement.

Remuneration

If the publication (including its writing/preparation) or speech would entitle you to any financial payment, you

must indicate it when you ask your Appointing Authority for prior authorisation.

Royalties received for publications (and more generally artistic proceeds), to which the Appointing Authority raised no objections, are not subject to the net annual ceiling of 10 000 EUR 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.

Social media

Regarding social media (Twitter, Facebook, YouTube....), staff should refer to the Social Media Guidelines that cover the personal use of social media when communicating on EU matters. These Guidelines do not cover the situation of the staff members who have been specifically authorised to represent the Commission's views (mandated staff members).

Staff members should remember that they must, as a matter of principle, only use social media 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, and 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 that might reflect adversely upon your position and the Commission (Article 12 of the Staff Regulations). The core principles of circumspection, confidentiality, objectivity, impartiality and loyalty to the European Union should always be kept in mind.

When activities in social media amount to actual publications on EU-related matters, prior notification is required. This would be the case for opinions which go beyond a short appreciation and amount to a structured stand-alone text.

In doubt, contact your manager and/or your communication unit/team. If the question relates specifically to Ethics rules, contact the Central Ethics service HRE3.

More information [Administrative Notice n° 04/2019 - Social Media Guidelines for staff](#)

Obligations after leaving the service

During their professional life, officials acquire not only professional experience but also may have had access to sensitive information. 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 European 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, based on a specific form. 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.

There is no need to declare activities that meet the following conditions:

- taking up a post in an European Union institution or body (support for interinstitutional mobility)
- the activity is part of the limited list of permissible non-remunerated activities carried out in the staff member's personal capacity and does not give rise to lobbying or advocacy vis à vis staff of their former institution.

If in doubt, please contact DG HR.E.3 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 to do so by the Appointing Authority.

See Article 4 para 3 of the Decision [C\(2018\) 4048](#) final of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the service.

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

Former officials and staff are bound not to accept any duties or professional activities after leaving the service that would be incompatible with the interests of the European Union.

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 return, 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 and on occupational activities after leaving the service ([C\(2018\) 4048](#)).

7. Prevention and sanctions



IN A NUTSHELL

Ethical reasoning

- Analyse the situation, identify possible options
- Consider the potential consequences
- Check whether other persons involved agree with these options
- Take action based on the best option identified
- Evaluate the real impact of your action.

Financial liability

Deliberate, improper behaviour or gross negligence could lead to financial liability if you have caused financial damage

Reporting serious wrongdoing

- Report facts pointing to a possible illegal activity or to a serious failure to comply with the professional obligations of Commission staff
- Whistle-blowers are protected from adverse consequences, provided they have acted in good faith.

Harassment

- Informal procedure: attempt to resolve the problem through conciliation with the support of a Confidential Counsellor or the Commission Mediator
- Formal procedure aims to determine whether the allegations can be proven, to assess the facts and, when appropriate, to apply sanctions

What if something goes wrong? The Commission has a series of means for addressing these problems, ranging from prevention to disciplinary procedures.

This section of the guide seeks to offer general advice about what to do 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

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 European Union as a result of serious misconduct in connection with the performance of your duties. 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 (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, or consult BudgWeb.

For more information on internal audit activities, see the Internal Audit Service's website on Europa:

<https://ec.europa.eu/info/departments/internal-audit-service>

For more information on the anti-fraud activities,

see OLAF's website on Europa:

https://ec.europa.eu/anti-fraud/home_en

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 or 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 immediately to OLAF.

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

- inform the whistle-blower 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 European Commission, 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.

Any whistle-blower who complies with these conditions will be protected from adverse consequences. This notably covers the identity of the whistle-blower, 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.

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](#))).

The recently adopted diversity and inclusion strategy emphasizes again that a culture of equal opportunities

for all, respect, and safeguarding dignity is essential for a thriving and inclusive workplace (Communication to the Commission of 19 July 2017, ([C\(2017\) 5300](#) final)).

Good progress has been made in implementing the 2006 Commission Decision. At the same time, the Commission's relevant services have gained substantial experience in handling harassment complaints and the Court of Justice of the European Union has rendered a series of judgments on the matter since 2006. For those reasons, the relevant Commission services are working on a revised decision on preventing and combatting harassment in the workplace, together with updated guidance to staff.

Psychological harassment

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.

Harassment can come in many different guises: bullying, antagonism, offensive behaviour, even refusal to communicate - are all examples of unacceptable behaviour. When occurring on a regular basis, these kinds of behaviour can cause

serious harm to the person towards whom they are directed.

Sexual harassment

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.

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 attempt to resolve the problem through conciliation via the “informal procedure” which provides support

and someone to speak to in strict confidentiality (Confidential Counsellor or Commission 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 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.

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 final



Administrative inquiries and disciplinary procedures

The administrative inquiries and disciplinary procedures apply 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 and offences under national criminal law.

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

- The impartial and independent conduct of administrative inquiries, the aim of which is to establish the 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 have been breached.

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

[Annex IX to the Staff Regulations - Disciplinary proceedings](#) General implementing provisions on the conduct of administrative inquiries and disciplinary procedures - [C\(2004\)1588](#). Check IDOC Annual Activity Reports and: [IDOC Practical Guide](#)

Annexes

Annex I

[Staff Regulations - TITLE II - Rights and obligations of officials](#)

Annex II

[Commission Decision of 17 October 2000 amending its Rules of Procedure \(2000/633/EC, ECSC, Euratom\)](#)

Annex III - List of main reference documents regarding ethics by domain	
General	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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 staff - Administrative Notice n° 04/08.01.2019
Gifts	<ol style="list-style-type: none"> 7. Communication from Vice-President Šefčovič to the Commission on Guidelines on Gifts and Hospitality for staff members - SEC(2012)167
Outside activities	<ol style="list-style-type: none"> 8. Commission decision on outside activities and assignments - C(2018)4048 9. Practical guidance for staff wishing to engage in volunteer activities - Administrative Information n° 22/2011
Use of ICT services	<ol style="list-style-type: none"> 10. Communication from the President on Commission policy on the internal use of email - SEC(2009)1412 11. Guidelines for staff on the use of the Commission's information and communications technology (ICT) services n° 24-2016
Financial Liability	<ol style="list-style-type: none"> 12. Guidelines for applying article 22 of the Staff Regulations (financial liability of officials) - SEC(2004)730/5
Harassment	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 14. Communication from VP Kinnock to the Commission on how to enhance effective application of Whistleblowing rules and protection of Whistleblowers - SEC(2004)151/2
Conflict of interests	<ol style="list-style-type: none"> 15. Financial regulation - Art 61 16. Guide to missions and authorised travel C(2017)5323 - points 2.9 and 3.3.6: Expenses paid by organisers
Disciplinary issues	<ol style="list-style-type: none"> 17. Annex IX to the Staff Regulations 18. General implementing provisions on the conduct of administrative inquires and disciplinary procedures - C(2004)1588

