



EUROPEAN
COMMISSION

Brussels, 16.12.2013
C(2013) 9037 final

COMMISSION DECISION

of 16.12.2013

on outside activities and assignments

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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

Whereas:

- (1) in the interest of transparency the provisions governing permission to engage in an outside activity and assignment should be incorporated in a single measure indicating in detail which factors have to be taken into account when taking a decision on such permission;
- (2) the Commission continues to encourage external mobility to enable officials to acquire new skills and knowledge which are of benefit both to the officials themselves and to the institution;
- (3) the present rules are intended to prevent conflicts of interest from arising, without imposing unreasonable restrictions on officials' outside activities,

HAS DECIDED AS FOLLOWS:

Article 1 Definitions

For the purposes of this Decision

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

Chapter 1

Officials in active employment (Article 35(a) of the Staff Regulations)

Article 2 Assignments and outside activities

Officials in active employment or secondment wishing to engage in an assignment or outside activity within the meaning of Article 1 of this Decision must request permission from the appointing authority pursuant to Article 12b of the Staff Regulations. Applications,

accompanied by the necessary supporting documents, must be submitted through their immediate superiors, where possible two months before the beginning of the activity or assignment. The appointing authority shall respond to this request within one month of receipt of the application.

Article 3

Exercise of a public office

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

Article 4

Activities carried out in the framework of a mission

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

Article 5

Voluntary work

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

Article 6

Educational activities

Subject to Article 5 and 8 of this Decision, teaching and other educational activities, whether gainful or not, shall in principle be authorised for one year provided that their duration does not exceed 100 hours per academic year.

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

Article 7

Professional activities

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

Article 8

Commercial activities

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

Article 9

Maximum net remuneration

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

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

Article 10

Prizes and awards

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

Article 11

Special leave

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

Article 12

Period of validity

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

Article 13

Officials working part time

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

Chapter 2

Specific provisions for officials on leave on personal grounds (Articles 35(c) and 40 of the Staff Regulations)

GENERAL PROVISIONS

Article 14

Permission for outside activities or assignments for officials on leave on personal grounds

(Article 12b of the Staff Regulations)

- (1) Officials on leave on personal grounds must seek permission pursuant to Article 12b of the Staff Regulations to undertake an assignment or an outside activity at any time during the period of leave in accordance with the present Decision.
- (2) Without prejudice to paragraph 3, such permission shall in principle be granted except where the assignment or the activity could give rise to a conflict of interest or be detrimental to the interest of the European Union. A conflict of interest shall be deemed to exist where the assignment or the activity would reflect adversely upon the official's position and would be detrimental to the loyalty he owes to the institution and its authorities but also where it would be incompatible with his duty to conduct himself in a manner that is beyond suspicion, in order that the relationship of trust between that institution and the official is at all times maintained.
- (3) The permission under Article 12b of the Staff Regulations shall not be granted to an official for the purpose of his engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his institution and which could lead to the existence or possibility of a conflict with the legitimate interests of the institution.
- (4) An official requesting permission pursuant to Article 12b of the Staff Regulations in order to take up an assignment or outside activity shall in particular provide to the appointing authority:
 - a description of his activity during his last three years of active service at the Commission;
 - a description of the activity that he wishes to take up including information on the position the official is to occupy and the expected duration of the activity;
 - the name, address and telephone number of the potential employer;
 - the employer's fields of activity;
 - the links with the official's functions exercised in the Commission, if any;
 - any other information that could reasonably be considered relevant by the appointing authority in deciding on the request.

To this end the official will fill in and file with the Commission an application form provided by the appointing authority. Applications, accompanied by the necessary supporting documents, must be submitted through his immediate superiors, at least two months before the beginning of the activity or assignment. The decision by the appointing authority shall be taken in accordance with paragraphs 2 and 3 above.

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

Article 15

Consultation of the Director-General for Human Resources

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

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

shall be taken after consultation of the Director-General for Human Resources .

SPECIFIC PROVISIONS

Article 16

Work dealing with active service in the Commission

- (1) If the official intends to undertake work that requires him to deal directly or indirectly with subjects that fall within a policy area in which he was or has been working during the three years of active service immediately preceding the probable or actual date of commencement of his leave on personal grounds, he shall provide full details thereof to the appointing authority. Such work may not be undertaken unless and until he has received the written authorisation of the appointing authority.
- (2) The official may not deal with individual cases that he had worked on in the course of the three years of active service in the Commission immediately preceding the probable or actual date of commencement of his leave on personal grounds. When

officials have worked on individual cases prior to the said period of three years, they are not thereby automatically authorised to deal with those individual cases.

- (3) The official may not participate in meetings or have contacts of a professional nature with his former Directorate General or service for a period of :
 - 1 year where the official occupied a management function in this Directorate-General or Service,
 - 6 months in all other cases.
- (4) The appointing authority may make any authorisation it grants subject to such conditions as it reasonably sees fit, in the light of the particular characteristics of a policy area or of the circumstances of the case. The appointing authority may in particular increase the restrictions laid down in paragraph 3

Article 17

Contracts with the Commission

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

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

- (a) any direct contractual relationship between the Commission and an official on leave on personal grounds as an individual; and
 - (b) any contractual relationship between the Commission and an undertaking in which an official on leave on personal grounds has directly or indirectly a significant financial interest.
- (2) The Director-General for Human Resources may grant exemptions in cases which fall under paragraph 1 of this article, where an official has been granted leave on personal grounds in accordance with Article 40 paragraph 2 2nd indent, of the Staff Regulations (accompanying a spouse who is also an official) except for assignments mentioned in paragraph 1 (b).
- (3) The Director-General for Human Resources may grant an exemption from paragraph 1 of this Article in a case of an urgent need by the Commission of the official's services except for assignments mentioned in paragraph 1 (b). However, in the case of a direct contract between the official and the Commission, the remuneration may not exceed the salary (on a pro-rata basis) the official would have obtained if he had carried out the task when in active service, plus any reasonable professional expenses.
- (4) In cases other than those referred to in paragraph 1 of this Article, where the official on leave on personal grounds is asked by a third party to work on the performance of contracts with or for the Commission, whether directly or by way of sub-contracting, and where he intends to give a positive answer, he shall immediately inform the appointing authority about this request and give all the necessary information allowing the appointing authority to assess the request and take a decision.

Article 18

Reinstatement on the expiry of leave on personal grounds

Upon reinstatement of an official whose leave on personal grounds has ended, the appointing authority shall examine whether as a consequence of his activities during leave on personal grounds or otherwise, he has any personal interest such as to impair his independence or any other conflict of interest.

To that end, the official shall inform the appointing authority using a specific form of any personal interest, in particular a family or a financial interest, or if he represents any other interests of third parties which would impair his independence in the course of his duties in the specific post, such as to lead to an actual or potential conflict of interest.

In such cases, the appointing authority shall take this into account in a duly reasoned opinion and if necessary take the measures referred to in paragraph 2 of Article 11a of the Staff Regulations. Such measure may not, however, prevent the reinstatement of the official. The assessment carried out by the appointing authority shall be made considering the situation of the official after his reinstatement.

Chapter 3

Officials having left the service of the European Commission

Article 19

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

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

- (3) If that activity related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the appointing authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The appointing authority shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

In the case of former senior officials, the appointing authority shall, in principle, prohibit them during the twelve months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

The term 'senior officials' refers to officials occupying functions corresponding to the type of post of Director-General in grades AD16 or AD15 as well as those occupying functions corresponding to the type of post of Director in grades AD15 or AD14. Type of post in this context, and in accordance with Annex I of the Staff Regulations, means all positions falling within the type of posts of Director-General or Director, as the case may be.

In compliance with Regulation (EC) No 45/2001 of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, the Commission shall publish annually information on the implementation of the second sub-paragraph of this paragraph 3, including a list of the cases assessed.

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

SPECIFIC PROVISIONS FOR CERTAIN GROUPS OF FORMER OFFICIALS

Article 20

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

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

do not exceed his last total annual remuneration whilst in activity; the reimbursement of costs shall not be taken into account for this purpose. The annual remuneration is established on the basis of the salary table in force on the first day of the month for which the pension is paid;

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

Article 21

Former officials receiving an invalidity allowance or invalidity pension

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

Chapter 4 Temporary and contract staff

Article 22

- (1) This Decision shall apply *mutatis mutandis* to members of the temporary and contract staff.

Only those contract staff who have had access to sensitive information shall be subject to the obligations laid down in Article 19 (2). Contract staff shall be informed by their service whether Article 19 (2) is applicable on leaving the service.
- (2) Former temporary and contract staff in receipt of an unemployment allowance may not be given an assignment of any kind, paid or unpaid, by the Commission for as long as the allowance is paid.

Chapter 5 Final provisions

Article 23

Entry into force

- (1) Commission Decision C(2004) 1597 of 28 April 2004 on outside activities and assignments is hereby repealed.
- (2) This Decision shall take effect on 1 January 2014.

Done at Brussels, 16.12.2013

For the Commission
Maroš ŠEFČOVIČ
Vice-President