



European Economic
and Social Committee

INFORMATION

REGARDING OCCUPATIONAL ACTIVITIES OF FORMER SENIOR OFFICIALS OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AFTER LEAVING THE SERVICE (THIRD AND FOURTH PARAGRAPHS OF ARTICLE 16 OF THE STAFF REGULATIONS)

Annual information 2019

I. Introduction

Pursuant to Article 16 of the Staff Regulations EU officials and - by analogy - temporary and contractual agents¹ continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits after leaving the service. Those former staff members who intend to engage in an occupational activity within two years of leaving the service, shall inform the institution of their intention. The institution can then take an appropriate decision in this respect and, when necessary, forbid an activity or approve it subject to restrictions or conditions.

Furthermore, the third paragraph of Article 16 of the Staff Regulations stipulates that the Appointing Authority shall in principle prohibit former officials, during the twelve months after they have left their institution, 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 fourth paragraph of Article 16 of the Staff Regulation foresees that, in compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council², each institution shall publish annually information on the implementation of the third paragraph, including a list of the cases assessed.

The present document lays down the modalities according to which the provisions of Article 16 of the Staff Regulations are implemented at the European Economic and Social Committee, including summary information in relation to the individual cases assessed, if any.

¹ According to Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union (CEOS), Article 16 of the Staff Regulations applies to temporary and contract agents.

² Regulation (EC) No 45/2001 of the European Parliament and of the Council 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 (OJ L 8, 12.1.2001, p.1).

II. Criteria for implementing the third paragraph of Article 16 of the Staff Regulations

Definition of senior officials

In line with the third paragraph of Article 16 of the Staff Regulations, Article 19(2) of Decision No 038/14 A of the EESC on outside activities and assignments, as well as Decision No 033/17 A of the EESC on types of post and post titles, "senior officials" are defined as the following categories of staff:

- secretary-general;
- director and deputy director;
- advisor.

This definition includes staff members who, in accordance with Article 7(2) of the Staff Regulations, have been called upon to occupy temporarily such posts, as well as staff having exercised such function at any time during the last three years before leaving the service.

Occupational activities concerned

The activities described in the third paragraph of Article 16 of the Staff Regulations are those which constitute lobbying or advocacy by a former senior manager vis-à-vis staff of the European Economic and Social Committee for their business, client or employers on matters for which they were responsible during the last three years in the service

The European Economic and Social Committee does not limit its analysis to envisaged activities whose only object or core object are explicitly stated to be lobbying or advocacy activities, but takes also into considerations activities that - in practice or theoretically - may give rise to, or entail, lobbying or advocacy.

Obligation of notification and request for authorisation

Pursuant to the first and second paragraphs of Article 16 of the Staff Regulations, implemented into Article 19 of Decision No 038/14 A of the EESC on outside activities and assignments, all staff members leaving the institution are obliged to notify their intention to engage in an occupational activity, whether gainful or not, within two years of leaving the service.

All staff members leaving the European Economic and Social Committee therefore need to fill in the specific form and submit it to the Directorate for Human Resources and Finance. In particular, the form requests to provide:

- a description of the staff member's activities during the last three years of active service;
- a description of the activity that s/he wishes to take up, including information on the position s/he is to occupy and the expected duration of the activity;
- the name and contact details of the prospective employer or client, as well as the prospective employer's/client's sector of activity;
- the links with the staff member's former functions in the European Economic and Social Committee.

The Directorate for Human Resources and Finance collects and assesses the views of the former service(s) in which the staff member worked during the last three years of service. It is on the basis of these different views that the final decision is taken by the Appointing Authority.

If the proposed activity is related to the work carried out by the staff member during the last three years of service and if it 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 the staff member from undertaking it or give its approval subject to any conditions it thinks fit, after having given the staff member the opportunity to make comments before the decision is taken, within 15 days. The Appointing Authority shall notify its decision within 30 days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute acceptance.

The Appointing Authority shall in principle prohibit former senior staff members from engaging, during the 12 months after leaving service, in lobbying or advocacy or activities that might entail lobbying or advocacy vis-à-vis the former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

All former staff members shall inform the Appointing Authority without delay when any change arises after permission has been granted. In the light of such a change the Appointing Authority shall examine whether to modify the conditions of its permission or, in exceptional circumstances, to withdraw it.

Scope of publication of individual cases assessed

The European Economic and Social Committee publishes an overview of all the individual cases of senior staff members it assesses. It thereby mentions the following details:

- name of the former senior staff member;
- date of end of service;
- description of the former senior staff member's tasks during the last three years at the European Economic and Social Committee;
- if applicable, name of proposed employer/client and description of the proposed tasks during the twelve months after leaving the service;
- summary assessment by the Appointing Authority and conclusion.

III. Specific cases in 2019

In 2019 3 senior officials left the institution. Two of them did declare an occupational activity. After examination of the request, the EESC's Appointing Authority decided that the proposed activity would not in practice or theoretically give rise to or entail lobbying or advocacy vis-à-vis the EESC.