



## Committee of the Regions

Brussels, June 2016

### **INFORMATION REGARDING OCCUPATIONAL ACTIVITIES OF FORMER SENIOR OFFICIALS OF THE COMMITTEE OF THE REGIONS AFTER LEAVING THE SERVICE (ARTICLE 16(3) AND (4) OF THE STAFF REGULATION)**

#### **Annual Information 2015**

##### **I. Introduction**

On the basis of Article 16 of the Staff Regulation<sup>1</sup>, officials and, by analogy, temporary and contractual agents<sup>2</sup> 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 thereof in order to enable it to take an appropriate decision in this respect and, when necessary, to forbid an activity or approve it subject to appropriate restrictions or conditions.

Furthermore, the third paragraph of Article 16 of the Staff Regulations stipulates as far as former senior officials are concerned, the appointing authority shall, in principle, prohibit them, during the 12 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 fourth paragraph of Article 16 of the Staff Regulations foresees that, in compliance with Regulation (EC) n° 45/2001 of the European Parliament and of the Council<sup>3</sup>, each institution shall publish annually information on the implementation of the third paragraph, including a list of the cases assessed.

The present Annual Information lays down the modalities according to which the provisions of article 16(3) and (4) SR are implemented at the European Committee of the Regions, including summary information in relation to the individual cases assessed, if any.

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<sup>1</sup> As last amended by Regulation (EU, Euratom) n° 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p.15).

<sup>2</sup> 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.

<sup>3</sup> Regulation (EC) n° 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 applied to implement Article 16(3) of the Staff Regulations**

### Definition of senior officials

In line with Article 16(3) of the Staff Regulations, Article 19(2) of the decision of the Committee of the Regions n°66/2014 on outside activities and assignments and the decision of the Committee of the Regions n° 390/2013 on types of post and post titles, the following categories of staff are concerned:

- Secretary-General (AD 16-15),
- Directors, Deputy Secretary-General and Principal Advisors (AD 15-14).

Within the scope of this definition are also included officials that have been called upon to occupy temporarily such posts in accordance with Article 7(2) of the Staff Regulations and staff having exercised such function at any time during the last 3 years before leaving the service.

### Occupational activities concerned

The activities described in Article 16(3) of the Staff Regulations are those which constitute lobbying or advocacy by a former senior manager vis-à-vis staff of the European Committee of the Regions for their business, client or employers on matters for which they were responsible during the last three years in the service. Such activities shall in principal be prohibited by the Appointing Authority during the 12 months after leaving the service.

The European Committee of the Regions 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, which in practice or theoretically may give rise to, or entail, lobbying or advocacy.

### Obligation of notification of a request for authorisation by the former senior official

Pursuant to Article 16(1) and (2) of the Staff Regulations, implemented into Article 19 of the decision of the Committee of the Regions n°66/2014 on outside activities, the former senior officials, such as all staff members leaving the service of 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 using a specific form.

The former senior official, as all staff members leaving the service of the European Committee of the Regions, will be reminded upon departure of the need to fill in the specific form and submit it to the Directorate for Human Resources and Finance, where possible, two months before the beginning of the activity or assignment. The form requests notably to provide:

- A description of his/her activities during his 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 contract details of the potential employer, client or his/her business and fields of activity;
- The links with his/her former functions in the European Committee of the Regions.

The Directorate for Human Resources and Finance assesses and collects the views of the former service(s) in which the retired officials have 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 that activity is 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, after having given the former official 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 implicit acceptance.

Concerning former senior staff, the Appointing Authority shall, in principle, prohibit during the 12 months after leaving service from engaging 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.

The former senior official, as all former staff member, shall inform the Appointing Authority without delay where any other change in one or more of the circumstances 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 Committee of the Regions publishes all individual cases assessed on basis of notified activities, former managers intend to exercise during the 12 months after leaving the service and which could give rise to or entail lobbying or advocacy vis-à-vis staff or their former institution for their business, clients or employers on matters for which they were responsible during the last three years of service at the European Committee of the Regions by indicating following information:

- Name;
- Date of end of service;
- Description of the task of the last 3 years in the institution;
- Description of the task during the 12 months after leaving service and the name of the employer;
- Summary assessment of the AIPN and conclusion.

In all other cases of former senior managers, who do not declare the intention to engage in an occupational activity during the 12 months after leaving the service or whose notified activity, by their very nature, does obviously not give rise to or entail lobbying or advocacy in relation to the three last years of service at the European Committee of the Regions, the European Committee of the Regions publishes a general statement accordingly without disclosing personal data.

### **III. Specific cases in 2015**

During 2015, no former senior official declared his/her intention to engage in an occupational activity, which in practice or theoretically would have given rise to, or entail, lobbying or advocacy (N.B. also no situation of conflict of interest occurred in 2014).

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