

## Public service principles for the EU civil service

Document - 19/06/2012

### Introduction

The five public service principles

**1.** Commitment to the European Union and its citizens **2.** Integrity **3.** Objectivity **4.** Respect for others **5.** Transparency

As European Ombudsman, my view is that citizens and civil servants alike believe that these five principles should guide the European Union's civil service. The principles are further elaborated on page 5 below.

Bearing the principles in mind can help civil servants to understand and apply rules correctly, and guide them towards the right decision in situations where they should exercise judgment.

The principles are not new. On the contrary, they represent existing expectations of citizens and civil servants. Furthermore, they are already embodied, both explicitly and implicitly, in the Staff Regulations and in other documents such as the Financial Regulation, and the European Code of Good Administrative Behaviour.

The added value of the present document is that it sets out the principles in a straightforward and concise way, following an extensive period of reflection and consultation. A first draft was prepared during 2010, following a consultation with the national ombudsmen of the European Network of Ombudsmen. There followed a public consultation, which ran from February to June 2011. The relevant documents are available on my website ( [www.ombudsman.europa.eu](http://www.ombudsman.europa.eu) [Link] ), including the report on the results of the public consultation. I would like to extend my sincere gratitude to all the institutions, organisations, and individuals who responded to the consultations. Their input made a real difference to the final wording of the principles.

The principles constitute a high-level distillation of the ethical standards for EU civil servants. As such, they also constitute a vital component of the culture of service to which the EU public administration adheres. One way of making such principles operational in concrete situations is through detailed rules. Such rules exist, for example, on matters such as preventing and regulating conflicts of interest. As some contributors to the public consultation pointed out, more



and better rules may well be needed. The public service principles are not intended as a substitute for such rules. At the same time, there are three reasons why such rules, however carefully they may be drafted, do not remove the need also to focus on high-level ethical principles.

First, the drafting of detailed rules, whether legislative or administrative, is likely to be better if the high-level principles are kept in mind as a point of reference.

Second, rules do not interpret and apply themselves. To know what they mean in concrete situations often requires the exercise of judgement.

Third, it is not possible to frame rules that cover everything. Take for example, the third and fourth paragraphs of principle 1:

*Civil servants should carry out their functions to the best of their abilities and strive to meet the highest professional standards at all times.*

*They should be mindful of their position of public trust and set a good example to others.*

It is hard to imagine detailed rules covering every action or potential action to which these paragraphs could be relevant, especially since they envisage not only that civil servants should react appropriately to particular situations, but also that they should be *proactive*.

To take another example, principle 3 says, among other things, that civil servants should not discriminate. According to settled case law, non-discrimination has two aspects: (i) comparable situations must not be treated differently and (ii) different situations must not be treated in the same way, unless, in either case, such treatment is objectively justified. Avoiding discrimination does not, therefore, mean treating everyone the same regardless of differences in their situation. On the contrary, the exercise of judgement is required to distinguish relevant differences from irrelevant ones.

Before concluding this introduction, it is important to make clear the scope of application of the principles. The term “civil servant” is convenient shorthand for what the Staff Regulations [1] call “officials and other servants of the European Union”. The Staff Regulations also establish a category of special advisers [2], who are also civil servants for this purpose.

I have tried to express the principles in a way that is relevant to all civil servants, not just those with management or other leadership responsibilities. In this context, it should also be mentioned that Members of the Institutions, such as Members of the Commission, the Court of Auditors, and the European Parliament, and Judges of the Court of Justice are not “officials or other servants” within the meaning of the Staff Regulations. Nor do the Staff Regulations apply to them. They are not, therefore, “civil servants” for purposes of the public service principles. Nonetheless, such persons may find the principles relevant to them, as a source of inspiration in relation to their special responsibilities.



I have refrained from including in the principles any elements that, in my view, mainly concern the responsibilities of institutions, rather than of individual civil servants. Whenever relevant, however, I shall refer to the principles during my future inquiries into possible maladministration in the activities of the EU institutions, bodies, offices, and agencies.

I firmly believe that making the public service principles explicit can help generate and focus an on-going, constructive dialogue among civil servants, and between civil servants and the public. Cultural diversity, celebrated in the motto “united in diversity”, is a major strength of the European Union. It also means that such dialogue is vital, as a way of consolidating and deepening a shared understanding of the ethical values of public service among civil servants and citizens with different cultural backgrounds.

## **Public service principles that should guide EU civil servants**

### **1. Commitment to the European Union and its citizens**

Civil servants should be conscious that the Union’s institutions exist in order to serve the interests of the Union and of its citizens in fulfilling the objectives of the Treaties.

They should make recommendations and decisions only to serve these interests.

Civil servants should carry out their functions to the best of their abilities and strive to meet the highest professional standards at all times.

They should be mindful of their position of public trust and set a good example to others.

### **2. Integrity**

Civil servants should be guided by a sense of propriety and conduct themselves at all times in a manner that would bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law.

Civil servants should not place themselves under any financial or other obligation that might influence them in the performance of their functions, including by the receipt of gifts. They should promptly declare any private interests relating to their functions.

Civil servants should take steps to avoid conflicts of interest and the appearance of such conflicts. They should take swift action to resolve any conflict that arises. This obligation continues after leaving office.



### 3. Objectivity

Civil servants should be impartial, open-minded, guided by evidence, and willing to hear different viewpoints. They should be ready to acknowledge and correct mistakes.

In procedures involving comparative evaluations, civil servants should base recommendations and decisions only on merit and any other factors expressly prescribed by law.

Civil servants should not discriminate or allow the fact that they like, or dislike, a particular person to influence their professional conduct.

### 4. Respect for others

Civil servants should act respectfully to each other and to citizens. They should be polite, helpful, timely, and co-operative.

They should make genuine efforts to understand what others are saying and express themselves clearly, using plain language.

### 5. Transparency

Civil servants should be willing to explain their activities and to give reasons for their actions.

They should keep proper records and welcome public scrutiny of their conduct, including their compliance with these public service principles.

[1] Formally, the *Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union* .

[2] “A person who, by reason of his special qualifications and notwithstanding gainful employment in some other capacity, is engaged to assist one of the institutions of the Union either regularly or for a specified period and who is paid from the total appropriations for the purpose under the section of the budget relating to the institution which he serves.” (Article 5 of the *Conditions of Employment of Other Servants* ).