

## **Report on the inspection and meeting of the European Ombudsman's inquiry team on how the European Commission handles the challenge of “revolving door” situations involving its (former) staff members**

Correspondence - 09/06/2023

**Case** OI/1/2021/KR - **Opened on** 03/02/2021 - **Decision on** 16/05/2022 - **Institution concerned** European Commission ( No further inquiries justified ) |

**Complaint** : OI/1/2021/KR

**Case title** : How the European Commission handles the challenge of “revolving door” situations involving its (former) staff members.

**Date** : Wednesday, 15 December 2021

Remote inspection and meeting

### **Present**

**Commission representatives:**

Head of Unit, DG HR

Deputy Head of Unit, DG HR

Legal Officer, DG HR

Policy Officer, Secretariat General

**Ombudsman representatives:**

Ms Ángela Marcos Figueruelo, Inquiries Officer

Ms Leticia Díez Sánchez, Inquiries Officer

Mr Koen Roovers, Inquiries Officer

Ms Nina Klubert, Inquiries Trainee



## Introduction and procedural information

The meeting started at 10:00 am and finished at 1:15 pm.

The European Ombudsman is examining how the Commission has managed revolving door situations involving its (former) staff members. The meeting was organised in order to clarify questions that arose when inspecting the 100 Commission decisions concerning revolving door situations involving (former) Commission staff members. The Commission adopted these decisions following the requests from staff members wishing to: a) engage in an occupational activity after leaving the Commission ("Article 16 decisions [1] "); and b) engage in an occupational activity during leave on personal grounds ("Article 12b/40 decisions [2] "). The questions had been sent to the Commission in advance of the meeting, together with the meeting request, on 15 October 2021. Given that the questions in Annex II of the Ombudsman's inspection meeting request contain personal data, the Commission's related answers are included in an annex to be treated confidentially at this stage of the inquiry.

The Ombudsman inquiry team informed the Commission representatives that they would receive a draft of the inspection meeting report to verify its accuracy, before making any parts of the report public.

## Documents inspected

On 25 June and 8 September, 2021, the Commission shared all documents it identified as falling under the scope of the European Ombudsman's request to inspect:

- The Commission's 2019 and 2020 Article 16 decisions for senior and mid-level managers of the following DGs: AGRI, CLIMA, CNECT, COMP, ECFIN, ECHO, ENER, GROW, HOME, MARE, RTD, SANTE, and TRADE, as well as the following entities: Cabinets, Legal Service, Secretariat-General and the Regulatory Scrutiny Board;
- The Commission's 2019 and 2020 Article 12b/40 decisions for senior and mid-level managers of the following DGs: AGRI, CNECT, COMP, ECFIN, FISMA, RTD and TRADE, as well as the following entities: Cabinets, Legal Service and Regulatory Scrutiny Board;
- The Commission's Article 16 decisions for staff of DG FISMA and those of the Commission's internal think tank/ advisory hub EPSC/IDEA.
- The Commission's 2021 Article 16 decisions concerning two former Deputy Directors-General of DG Competition, plus a selection of four further 2021 Article 16 decisions concerning senior managers of the Commission's choosing.

The Commission asked for confidential treatment of these documents.

Taken together, the inspection of these Commission decisions related to revolving door situations included 100 files, containing:

- 80 Commission Article 16 decisions on requests for authorisation of new professional activities of **former** staff. [3] 79 decisions authorised the request, sometimes imposing restrictions. One



decision was negative, meaning that the intended new professional activity was not authorised.

- 20 Commission Article 12b/40 decisions on requests for authorisation to engage in occupational activities while on leave on personal grounds, related to 10 staff members. Some decisions concerned renewal requests of earlier approved activities.

After the inspection meeting, on 20 December 2021, the Commission shared with the Ombudsman:

- an internal guidance document dated February 2021, that DG HR provides to the relevant Commission departments so that they can assess potential conflicts of interest between a former staff member's request to engage in an occupational activity after leaving the Commission and the tasks carried out during the last three years in service; as well as
- a letter of the director-general of DG HR to other Commission departments, dated 23 July 2021, setting out principles and criteria for assessing staff members' requests for external activities during leave on personal grounds.

## Discussion

Regarding decisions on post-employment activities of former staff members [4] :

*1. Based on the inspection, it seems that the option of forbidding a new job, as included in Article 16 of the Staff Regulations by the legislator, is used rarely. Of the Article 16 decisions adopted by the Commission in 2019, 2020 and 2021 (to date), how many included a (temporary) ban on the intended activity?*

The Commission said that the option of forbidding a post-employment activity is used only as a last resort if the risk cannot be mitigated through:

- Ring-fencing, meaning by limiting the scope of the requested activity and prohibiting the staff member from dealing, for example, with specific files, legislative procedures, grants, call for proposals, cases or matters related to the work carried out during the last 3 years of service, including related or subsequent cases and/or court proceedings; or
- Cooling off, meaning by imposing a defined period during which the former staff member is excluded from having (certain) professional contacts with former colleagues, or from representing opposing parties.

There were ten decisions prohibiting an activity between 2019 and 2021. The Commission added that these numbers do not necessarily give an accurate picture of the situation, as recent awareness raising activities may have contributed to a decrease in the number of requests for activities that would need to be forbidden.

In addition, the Commission added that DG HR regularly engages in a dialogue with (former) staff members to provide advice on intended post-employment activity. Sometimes such 'preliminary' advice leads to a withdrawal of what otherwise would have been a problematic request or it prevents the staff member from introducing such a request. This possibility is not reflected in the statistics.



Awareness raising measures on conflicts of interest include the provision of training to staff members. This training is conducted during their first day in the service, during the probation period and regularly during the time in the service. Furthermore, there is a specific training focused on post-service activities at the end of the employment. A training on ethics is provided on the Commission's E-learning platform and several DGs also have particular additional training. The Heads of Unit get additional training on ethics. Commission statistics show that more than 3000 staff members receive ethics training each year. Additionally, extensive information is provided on the Commission's intranet, including examples on what constitutes a conflict of interest. DG HR works closely together with the ethics contact persons in other Commission departments and provides individual advice to staff members.

Lastly, the Commission explained that the vast majority of requests are made by contract agents and temporary staff members and/or do not relate to conflict of interest situations.

**2. How does the Commission ensure consistency in the decisions it takes regarding new jobs of former staff members that may appear to pose comparable conflict of interest risks?**

*Such risks could include anticipatory actions by a staff member prior to moving to a new role which may lack impartiality; or future activities directly related to the individual's work during the last three years of service with the Commission.*

The Commission noted that there are several ways in which the Commission ensures consistency of such decisions. In 2018, the Commission underwent a centralisation of all ethics-related processes, which made DG HR responsible for providing opinions on all ethics requests, notably staff members' declarations based on Article 11a of the Staff Regulations [5]. Furthermore, the Joint Committee [6] is always consulted before an Article 16 decision is taken, while the Legal Service and the Secretariat-General are consulted to guarantee that each draft decision is both legally sound and consistent with similar cases.

Additionally, the Commission put in place more internal guidance, including for example checklists. While each case is assessed on its own merits, DG HR also looks at previous decisions to compare the restrictions to be imposed in a case with restrictions imposed in similar previous decisions.

The specific risks mentioned in the question are taken very seriously by the Commission. Article 11a of the Staff Regulations requires staff members to immediately inform the Appointing Authority of such situations. The Commission has a dedicated workflow for such 'conflict of interest declarations'. The Appointing Authority, which takes the final decision, is the DG of the former staff member. DG HR is consulted before a final decision is taken, which ensures consistency.

The Appointing Authority must take any appropriate measures, including, for example, relieving the official from responsibility in the matter at stake. The responsible units themselves often take measures to prevent a conflict of interest, even before a decision in accordance with Article 11a



Staff Regulations is taken.

Following the 2018 review of the Commission's *Decision on Outside Activities*, the form for conflict of interest declarations based on Article 16 SR was adapted. Staff members now have to confirm that they comply with article 11a of the Staff Regulations.

*3. When the Directorate-General (DG) that a former staff member worked at most recently is consulted by the DG for Human Resources (HR), "guidelines" are provided in attachment to be used for the assessment of the former staff member's intended job.*

*Could you please provide a copy of these guidelines?*

The Commission agreed to provide a copy of these guidelines to the European Ombudsman.

The guidance document was created in order to comply with the European Ombudsman's suggestions from her 2019 inquiry into the matter [7] .

The guidance document consists of three parts:

- scope and the procedure,
- available options to mitigate risks of conflict of interest and
- guidance on the assessment.

Furthermore the guidance document includes additional background information, such as the relevant legal provisions.

The Commission noted that the guidance document is systematically used and has contributed to more substantiated assessments of risks of conflicts of interest provided by the DGs of the former staff members.

*4. How does the Commission ensure compliance with the restrictions that are included in its decisions to mitigate the risks of conflicts of interest related to new jobs of former staff members?*

*Are there instances where these risks have been realised and, if so, what actions have been taken?*

The Commission said that former staff members must respect general obligations arising from the Staff Regulations and from the Appointing Authority's decisions concerning them individually. They receive a reminder of these general obligations before leaving the service.

Decisions based on Article 16 Staff Regulations are communicated to the relevant Commission department of the former staff members, where they are disseminated on a need-to-know basis. This measure represents an effective means of control, for instance, in case of a ban on professional contacts or on lobbying vis-à-vis the former DG or the Institution.



The Commission works on a trust based approach: it trusts that former staff members will inform their new employer of the conditions imposed in the decision and that they will consult the appointing authority in case of doubt.

While the Commission expects that, where necessary, its former staff members duly inform their new employers or clients about the restrictions applicable to their post-service activities, the Commission considers that it is not allowed, from a legal point of view, to interfere in a bilateral relationship between former staff members and their new employer. Therefore, the Commission does not ask for evidence that the restrictions imposed were shared with the new employer.

With regard to monitoring the Article 16 decisions, in addition to internal means of control (see above on internal dissemination of information on restrictions), the Commission relies also on external scrutiny by other institutions, the public, and third parties. For example, the Commission's services actively follow publicly available information, such as media reports. External scrutiny can be exercised based on *the report concerning occupational activities of senior officials after leaving the service* [8], which is published annually. Additionally, scrutiny can be exercised through public access to document requests or through European Parliamentary questions.

The European Ombudsman had suggested to make available the information concerning occupational activities of senior officials after leaving the service in a more timely manner, instead of once per year. However, the Commission considers that it is bound by the Staff Regulations which refer to an annual publication of the report, as well as by the data protection Regulation [9].

The Commission considers that these internal and external means of control, combined with the deterrent effect of disciplinary proceedings, are appropriate and commensurate to the risks identified.

The Commission cannot exclude that risks may materialise. It nonetheless believes that the restrictions it imposes effectively mitigate risks. In the Commission's view, the most frequent risks may be those relating to a possible use by former staff members of professional contacts developed in active service with a view to obtaining a privileged access to the Commission services. However, a temporary ban on professional contacts combined with the information on that ban provided on a need-to-know basis to relevant services effectively mitigates those risks.

If the Commission were to become aware that a risk of conflict of interest has materialised, its services would immediately seek contact with the former staff member. Furthermore, the Investigation and Disciplinary Office (IDOC) has the power to investigate such issues further and to impose dissuasive measures as well as sanctions on (former) staff members if a decision were to have been breached.

**5. Does the Commission accept that former staff members – barred by it from working on certain cases or issues directly linked to their former roles – might nonetheless advise their new colleagues on such matters – for example within a law firm?**



*If the Commission does recognise this as a risk, what does it do to counter such risk by way of monitoring?*

With regard to former staff's behaviour, the Commission is of the view that its staff members adhere to the highest ethical standards during their work in the Commission's service and that they will continue to adhere to these standards after leaving the service.

The Commission explained that the restrictions it may impose to mitigate risks of conflicts of interest related to former staff members' post-employment activities can include, within their scope, the provision of advice to colleagues (as evidenced in the wording of the restrictions in the decisions communicated to the European Ombudsman in the context of the present inquiry). It is worthy to recall that the following condition/reminder is generally imposed in this type of cases: "under the first paragraph of Article 16 of the SR, the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits from any new employer or its clients. The aforementioned duty includes refraining from advising or working on behalf of any of clients on particular files or matters (for example: contracts, policy files, grants, cases, claims, investigations, ongoing legislative procedures), in which a former staff member participated personally and substantially and that would entail relying upon information received in the line of duty that has not been made public."

Where former staff members are not allowed to work on certain matters or cases, then advising others on such matters qualifies as working on these matters and therefore constitutes a breach of the imposed restrictions. Therefore, the Commission does not accept that former colleagues might advise on matters on which they are not supposed to work. In any event, where a former staff member undertakes a new occupational activity in a law firm, the Commission systematically forbids the former official to work on cases, on which he or she worked at the Commission, in line with the duty of discretion and the general principle of confidentiality.

The Commission assumes the *bona fide* (good faith) of its former staff members, which goes hand in hand with fulfilment of obligations under the Staff Regulations. Therefore, in cases of a potential breach, the burden of proof lies on the Commission and not on the former staff member.

On a side note, concerning requests to undertake a new occupational activity in law firms, the Commission noted that it does not consider this type of activity to constitute lobbying (as long as the activity meets the criteria of exclusion provided in the Interinstitutional agreement establishing the Transparency Register – certain specific activities carried out by some law firms do constitute lobbying). Not all law firms are included in the Transparency register [10] . Furthermore, lawyers follow the deontological (ethical and professional) rules of their profession. These include that lawyers should not breach the confidentiality of information provided by former clients and that they should not use such information to the advantage of a new client.

**6. Where former staff members who participate in the Commission's 'active senior' initiative [11] also apply to take up an (remunerated) outside activity, how does the Commission ensure**





*compatibility and no potential conflict of interest?*

The 'active senior' initiative is a relatively new initiative. It allows former senior staff to continue to contribute to Commission activity on a voluntary basis.

When a former staff member, who is taking part in the initiative applies to take up an (remunerated) outside activity, two separate and distinct evaluations will be conducted. One concerning risks of conflicts of interest with the former staff members' activities during their last three years in the service at the Commission (if the assessment happens within the two year period after leaving the service), and one concerning risks of conflicts of interest with their participation in the 'active senior' initiative.

Furthermore, active senior contracts include a section on ethics. Former staff members participating in the active seniors programme have to declare all their outside activities upon recruitment and any new outside activity they take up during their time in the initiative. DG HR checks these declarations and in case there would be a risk of conflict of interest, the former staff member would not be allowed to participate in the initiative.

*7. How does the Commission address any risk of conflicts of interest between former staff members' roles as special advisers to the Commission and their post-employment activities?*

The procedures under Article 16 of the Staff Regulations and the ones related to Special Advisers are independent and enforced separately. If, in the first two years after leaving the service, a former staff member engages as a Special Adviser and subsequently lodges a request for a post-service activity, the latter under Article 16 of the Staff Regulations can only be assessed in light of the last 3 years of service.

However, a dedicated procedure [12] in place ensures that there is no incompatibility between an envisaged outside activity and the mandate of a Special Adviser (during the time of the mandate only).

DG HR is involved in both evaluations.

Each special adviser must sign a document declaring that there is no conflict of interest between their duties as adviser to the European Commission and their other activities.

Furthermore, when appointing an adviser, each Member of the Commission must ensure that there is no conflict of interest between the future duties of his or her special adviser and any other professional (remunerated or not) activities they may have.

Each request for the appointment of a special adviser must be accompanied by the appropriate documentation.

Prospective special advisers must (fill in and) sign:

- a declaration on their honour (sworn statement) stating that they are aware of the relevant





articles of the Staff Regulations (Articles 11 and 11a) and that there is no conflict of interest with the duties they are about to undertake, and

- a declaration of activities, checked by DG HR which certifies that it cannot establish a conflict of interest, before they take up their duties, in order to ensure that there is no conflict of interest.

Based on these two declarations, the Member of the Commission responsible must establish that there is no conflict of interest regarding the special advisers they have chosen and must confirm their appointment request with a 'statement of assurance'.

*8. When a former staff member's most recently worked at DG is consulted on various job authorisation requests by the former staff member, does the DG receive copies of the Commission decisions when they are adopted?*

*If not, why not?*

DG HR systematically copies the ethics contact persons of all DGs in the Commission's document management system (ARES) when sending an Article 16 decision. The contact persons can then share the decision on a need-to-know basis with other staff members.

In cases where several decisions are taken on the basis of an application by a former staff member, the decisions are sent out as they become available.

*9. The Commission consults the Joint Committee of staff and institutional representatives on requests for authorisation of post-employment activities of former staff members. The Joint Committee can provide its opinion based on a written procedure, or based on an in-person discussion.*

*What are the criteria for the holding of an in person meeting?*

Opinions of the Joint Committee on draft decisions of the Appointing Authority concerning the activity of a former official/agent under Article 16 of the Staff Regulations are acquired by written procedure in accordance with the following rules:

a) In cases where the Appointing Authority does not intend to refuse authorization for the activity, or intends to make such authorization subject to restrictions, the Joint Committee is informed by a written procedure and issues an opinion " *a silentio* " within 5 calendar days.

If, within these 5 calendar days, three full or alternate members of the Joint Committee declare that they are opposed to the use of the written procedure, the request for an opinion shall be automatically put on the agenda of the next the Joint Committee meeting;

b) In cases where the Appointing Authority intends to refuse authorization for the activity, the request for an opinion is automatically added on the agenda of the next the Joint Committee meeting.



The Joint Committee seeks to reach a common opinion by consensus or majority vote. Opinions shall be adopted by a simple majority (7+1) of the members, taking into account that the President of the Joint Committee has no voting rights. In the event of a tie vote (7-7), the opinion of the Joint Committee is considered as split (“*avis partagé*”).

An in-person discussion is held only if at least three members and/or alternates of the Joint Committee oppose the opinion decided on in the written procedure within five days. In such a case, the request will be added to the agenda of the next committee meeting, to be discussed in person. The Joint Committee holds in-person discussions on all draft decisions containing a prohibition of an activity. However, if there is no quorum during the in-person meeting, no opinion will be adopted.

DG HR provides the Committee with all information necessary to take a fully informed decision. The organisation of the Joint Committee is determined by the Committee itself.

**10.** *Does the Commission inform the Joint Committee of the final decisions on requests for authorisation of intended jobs of former staff members, once they are adopted?*

As the Joint Committee is consulted on Article 16 decisions only before their adoption, and has no responsibilities as regards the implementation of Article 16 decisions, DG HR does not share the final decisions with the Joint Committee. The Staff Regulations does also not contain an obligation to inform the Joint Committee of the final decisions. However, in order to provide its opinion, the Committee is provided with the decision to be adopted. In principle, no changes to the decision are made after the Committee has provided its opinion. Hence, the Committee members are already aware of the decision.

Regarding decisions on outside activities of staff who are on unpaid leave on personal grounds [ 13] :

**11.** *How does the Commission ensure consistency in the decisions it takes related to outside activities of staff members who are on unpaid leave on personal grounds that may appear to pose a comparable risk of conflict of interest, for example because of a risk of reputational damage to the Commission?*

The Commission is fully committed to ensure integrity in the practice of authorising external activities of staff members that are on unpaid leave on personal ground.

There is a dedicated workflow for assessing requests for such activities [14] :

i. Each request is independently assessed by the two immediate superiors (or one superior depending on the case), who provide their substantiated opinion on the absence or existence of potential risks.

ii. the request is then assessed by the central ethics manager in DG HR, who submits the opinion to



iii. the Appointing Authority (AA) [15] , who adopts the final approval or rejection.

In case of requests for the renewal of an authorisation, which have to be submitted every year, new restrictions can be imposed if the Commission becomes aware of risks that need to be mitigated against to protect its legitimate interests.

DG HR, as Appointing Authority, has taken the approach to deal more strictly with cases where the planned activity is to take place in law firms, consultancies and public affairs departments of organisations in the same area of expertise as the one in which the staff member works at the Commission, or where the Commission acts as an enforcer or regulator in the field and, in particular where the staff members are to represent their new employer before the Commission. This approach was shared with other Commission departments, inviting them to adopt a similar approach. The Commission explained that the agreement of DG HR is required for the final decision of the Appointing Authority, therefore, de facto, DG HR is able to ensure a proper implementation of this approach.

**12.** *How does the Commission ensure compliance with the restrictions included in its decisions that aim to mitigate the risk of conflicts of interest related to outside activities of staff members who are on unpaid leave?*

The Commission stated that compliance with the restriction is ensured in the same manner as for post-service occupational activities. The Commission said that staff members, including those on leave on personal grounds, must respect obligations arising from the Staff Regulations and from the Appointing Authority's decisions concerning them individually. The Commission trusts that the staff members authorised to carry out an outside activity during leave on personal grounds will inform their new employers about the restrictions imposed on them and that they will comply with the restrictions.

The Commission systematically shares with the relevant departments the restrictions it imposes on staff members' external activity while on leave on personal grounds on a need-to-know basis, for example when restrictions include a ban on professional contacts.

In addition to the above mentioned internal measures, such as sharing information on restrictions on a need-to-know basis within the staff members' departments of origin, it monitors publicly available information closely. In cases where the Commission becomes aware of a potential breach, it will quickly follow up on it with the former staff member concerned. Furthermore, IDOC has the power to conduct further investigations and to take measures if necessary. The Commission considers that these internal and external means of control, combined with the deterrent effect of disciplinary proceedings, are appropriate and commensurate to the risks identified.

**13.** *Does DG HR seek more detailed information, beyond the general description of the activity submitted by the applicant?*



*This may arise for example if the staff member is moving to a law firm or consultancy where questions might arise around the nature of the clients and cases that the staff member intends to work for/on? If so, can you provide some examples?*

DG HR carries out a comprehensive assessment of the situation, assessing the risk of conflicts of interest related to the external activities that a staff member on unpaid leave on personal grounds wishes to undertake. In order to do that, it engages in a dialogue with the staff members. Following the technical suggestions made by the European Ombudsman in the decision closing the previous strategic inquiry on revolving doors, the questions asked to the staff member's supervisor have been revised to require them to further elaborate on a potential conflict of interest.

DG HR usually asks for further information from the staff member, their supervisor, or others whenever necessary. Additionally, DG HR conducts its own investigation and informs itself, for example, of publicly available information on the prospective new employer. All the information taken into account by DG HR is provided to the appointing authority before it takes the final decision.

Concerning law firms specifically, a risk of a conflict of interest depends largely on whether the staff member will join a law firm working in the same area of expertise or a different one. In the first case, DG HR will ask the staff member for further information on areas of work and prospective clients to assess whether there are risks.

There are instances where staff members went to work in law firms in different fields of law compared to those, in which they worked at the Commission, for example, in the domain of national law in their country of origin. In such cases, the Commission considers that the risks are significantly lower than in cases, where staff members would work in the same domain, in which they worked at the Commission. In this context, DG HR also takes the personal circumstances of the staff member concerned into account in its assessment (for example if a staff member has to return to work in his or her country of origin for family reasons).

Moves to consultancies are seen as particularly problematic, because representing a private interest before the Commission, especially when related to the work carried out while working for the Commission, may give rise to risks of conflicts of interest. Such moves are usually only allowed with restrictions, such as the prohibition to work on cases involving the Commission or concerning the matters the person worked on while at the Commission.

## **Follow-up**

The Ombudsman and Commission representatives agreed to discuss the progress the Commission made in the handling of 'revolving doors' situations, since the Ombudsman's last inquiry in 2019 [16] in a meeting on 20 January 2022.

The Commission representatives agreed to share with the European Ombudsman:



- Some additional statistical details on the instances in which the Commission imposed a (temporary) ban on an intended post-employment activity between 2019 and 2021. The Commission will provide a break down per year and into contract agents, temporary agents and permanent staff;
- Statistics on the number of article 11a requests made between 2019 and 2021;

Brussels, 18/2/2022

Koen Roovers Angela Marcos Figueruelo

Inquiries officer Inquiries officer

## **Annexes:**

- Confidential Annex containing the answers to the questions in Annex II of the meeting request

[1] Adopted under article 16 of Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (the Staff Regulations), available here:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501> [Link]

[2] Adopted under article 12b40 of the Staff Regulations

[3] Some former officials requested authorisation for several activities.

[4] This concerns decisions based on Article 16 of the Staff Regulations, see

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501> [Link].

[5] Article 11a provides that EU officials may not, “in the performance of [their] duties [...], deal with a matter in which, directly or indirectly, [they have] any personal interest such as to impair [their] independence, and, in particular, family and financial interests”.

[6] See Annex II to the Staff Regulations.

[7] See <https://www.ombudsman.europa.eu/en/decision/en/110608> [Link]

[8] See:



[https://ec.europa.eu/info/publications/occupational-activities-former-senior-officials-annual-report\\_de](https://ec.europa.eu/info/publications/occupational-activities-former-senior-officials-annual-report_de) [Link].

[9] Paragraph 4 of Article 16 of the Staff Regulations and 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 Union institutions, bodies, offices and agencies and on the free movement of such data, available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32018R1725> [Link]

[10] See: <https://ec.europa.eu/transparencyregister/public/homePage.do> [Link].

[11] Under the 'active senior' initiative, former staff members may participate on a voluntary basis in unpaid assignments or activities exercised within the Commission.

[12] See:

[https://ec.europa.eu/info/sites/default/files/commission-decision-rules-on-special-advisers\\_c2007\\_6655\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/commission-decision-rules-on-special-advisers_c2007_6655_en_0.pdf) [Link].

[13] This concerns decisions based on Article 12b in combination with Article 40 of the Staff Regulations, see

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501> [Link].

[14] Requests for leave on personal grounds (which are separate from the request to engage in a professional activity) are handled by a different appointing authority: the Commissioner for HR for requests submitted by senior staff members; for other staff the appointing authority is the relevant director-general. Heads of cabinet are the appointing authority for staff members working in a cabinet.

[15] In the case of senior staff members, the appointing authority is the director-general of HR. For other staff members, the appointing authority is the relevant director-general. Heads of cabinet are the appointing authority for staff members working in a cabinet.

[16] See: <https://www.ombudsman.europa.eu/en/decision/en/110608> [Link].