

Code of Conduct for the European Ombudsman

Page content - 19/02/2015

Introduction

The Treaty on the Functioning of the European Union (Article 228) and Articles 9 (2) and 10 (1) of the Statute of the European Ombudsman [1] set the high-level ethical principles which direct the European Ombudsman (EO) in performing her duties.

Article 9

2. When taking up his duties, the Ombudsman shall give a solemn undertaking before the Court of Justice of the European Communities that he will perform his duties with complete independence and impartiality and that during and after his term of office he will respect the obligations arising therefrom, in particular his duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments or benefits.

Article 10

1. During his term of office, the Ombudsman may not engage in any political or administrative duties, or any other occupation, whether gainful or not.

The objective of this Code of Conduct is to clarify the obligations, and overall conduct expected of the European Ombudsman deriving from the relevant rules. Besides legal obligations, it also aims at promoting the highest ethical standards of conduct as encapsulated in the Public Service Principles for the EU civil service. [2]

Independence and impartiality

Financial interests, assets and declaration of interests

The Ombudsman shall declare any financial interests or assets or other private interests which might create an actual, apparent or potential conflict of interest in the performance of her duties.



A *conflict of interest* involves a conflict between the public duty and private interests of a public official, in which the public official's private-capacity interests could improperly influence the performance of their official duties and responsibilities. An *apparent conflict of interest* exists where it appears that an official's private interests could improperly influence the performance of their duties but this is not in fact the case. A *potential conflict* occurs where a public official has a private interest which would constitute a conflict of interest if the relevant circumstances were to change in the future. [3]

This declaration of interests shall be based on the model set out in annex 1.

The Ombudsman's declaration of interests shall include information about occupational activities, remuneration and memberships of boards, committees or supervisory bodies of companies or other bodies devoted to commercial or economic activities, as well as posts held in foundations or similar bodies and in teaching or research establishments during the three-year period before assuming office. On-going non-remunerated activities should also be declared.

It shall also include information about individual holdings in company capital, in particular shares or other forms of holding such as convertible bonds or investment certificates. Units in unit trusts, which do not constitute a direct interest in company capital, do not have to be declared.

Any real property owned either directly or through a company must be declared, with the exception of homes reserved for the owner or her family.

The declaration of interests must be completed within 60 days of appointment, and every year thereafter. Any change in the Ombudsman's situation as regards her financial interests and assets has to be declared within six months.

The Ombudsman shall declare any holdings (as described above) as well as any activity of her spouse/partner and other dependent family members [4], which may give rise to an actual, apparent or potential conflict of interests.

The declaration of interests shall be available on the EO website.

Outside activities during the term of office

The Ombudsman shall not receive payment for any form of outside activity or publication during her mandate. Should a payment be made, it shall be donated to a charity of her choice. The Secretary General of the EO shall be informed. The charity and the amounts donated will be made public annually.

The Ombudsman may hold unremunerated honorary posts in foundations or similar bodies [5] in the cultural, social, sporting or charitable domains and in teaching or research establishments provided they are not affiliated to any national or European political party. Prior to accepting any



such post, the Ombudsman will seek the advice of the Secretary General. In any case, the Ombudsman shall not engage in any managerial, or administrative activity in relation to such posts, or any other activity which might compromise her independence or give rise to an actual, apparent or potential conflict of interest. [6]

The Ombudsman shall strictly avoid any such engagement whenever the body in question receives or may apply for any kind of financing from the EU budget.

All such honorary posts shall be listed in the declaration of interests.

The Ombudsman may give unpaid courses and lectures, and may participate in conferences and other similar activities on areas of European interest.

Details of all the above mentioned activities shall be published on the EO website.

Professional meetings and activities

To the greatest extent possible, professional meetings and events attended by the Ombudsman shall be announced on the [EO website \[Link\]](#).

Public speeches given by the Ombudsman shall be made available on the [EO website \[Link\]](#), where a text is available.

Ethical conduct

Decorations or honours

Any decoration, prize or honour awarded to the Ombudsman should be compatible with her public status and should not compromise her independence or give rise to an actual, apparent or potential conflict of interest. Prior to accepting any such award, the Ombudsman will seek the advice of the Secretary General. All decorations, prizes or honours shall be announced on the [institution's website \[Link\]](#).

If a prize is accompanied by a financial reward, the full amount shall be donated to a charity of the Ombudsman's choice. The Secretary General of the EO shall be informed. The charity and the amounts donated will be made public annually.

Missions

[7]

The Ombudsman should make the most efficient use of the resources made available to her for missions.



Missions are defined as travel by the Ombudsman for professional reasons away from the Ombudsman's place of work. They are governed by the Financial Regulation and its rules of application as well as by Article 6 of Regulation No 422/67/EEC determining the emoluments of the European Ombudsman, the Guide to Missions for the staff of the European Ombudsman, and by the provisions of annex 2 to this Code.

The amount provided for the Ombudsman's mission expenses is set out in the annual budget. The Ombudsman's actual mission expenses will be published biannually (January and July). This information will include: the date of travel; destination; purpose of the mission; type of transport used; total cost of the mission; and number of persons accompanying the Ombudsman.

Representation expenses and gifts

The Ombudsman shall use the resources made available for covering the cost of representation expenses in the most appropriate, efficient and transparent way and always with a view to complying with her professional duties.

The Ombudsman may extend and accept invitations to receptions or meals if such engagements are associated and compatible with her duties and in the interest of the institution.

Where the Ombudsman invites a person or persons to a meal, the cabinet shall keep a list of those cases in which the invitation was accepted. Similarly, the cabinet shall keep a list of invitations to meals received and accepted by the Ombudsman. These lists shall include the following information: date, name of the host/invitee; institution; purpose; type of meal offered; location; and cost (if possible). This list will be published biannually (January and July). [8]

Protocol gifts offered by the Ombudsman shall be of a symbolic nature and may not include wines, spirits or tobacco. [9] A protocol gift should not exceed EUR 100 in value. The cabinet shall keep a list of all gifts offered. This list shall include the following information: date; name of person receiving the gift; institution; description; and value.

The Ombudsman shall not, in the performance of her duties, accept any gift other than protocol gifts. Only exceptionally and in the interests of courtesy may she accept gifts of a value greater than EUR 100. Gifts should normally [10] be handed over to the institution and become its property.

The cabinet shall keep a list of all gifts received. This list shall include the following information: date; name of person offering the gift; institution; description; and value (if possible). A list of gifts received of a value greater than EUR 100 shall be published biannually (January and July).

Composition of the cabinet



The Ombudsman shall choose the members of her private office with due respect to the principles of independence and integrity and on the basis of objective criteria, taking into account the demanding nature of the function, the professional profiles required, and the Ombudsman's need to establish a relationship based on mutual trust between herself and the members of the cabinet. The composition of the cabinet should be multinational and respect the European's Union principles of equality.

No more than three fifths of the cabinet members may be of the same nationality as the Ombudsman.

No family members of the Ombudsman can be part of her private office.

Post term-of-office activities

After ceasing to hold office the former Ombudsman continues to be fully bound by the duty of integrity, discretion and confidentiality.

The former Ombudsman shall also continue to avoid any actual, apparent or potential conflict of interests that could arise from any professional activity or occupation. Engagement in a public office is not expected, in principle, to give rise to a conflict of interest.

If the former Ombudsman intends to engage in either an advisory, non-remunerated post or a remunerated occupational activity during the three-year period after leaving office, she shall inform the incumbent Ombudsman.

Review

This Code of Conduct shall be reviewed within one year of its adoption with a view to deciding whether it needs to be supplemented or revised.

Annex 1 -European Ombudsman - Declaration of Interests

Year

I, the undersigned, on my honour and in full cognisance of the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties (Decision 94/262/ECSC, EC, Euratom) and of the Code of Conduct for the European Ombudsman adopted on 5 February 2015,



hereby declare:

A) Previous activities

1. I declare my occupation(s) during the three-year period before I took up the office of European Ombudsman:

Occupation(s)

Categories of income [11]

1

2

3

4

1.

2.

3.

4.

5.

2. I declare my participation in boards, committees or supervisory bodies of companies or other bodies devoted to commercial or economic activities, during the three-year period before I took up the office of European Ombudsman:

Membership(s)

(nature of the post - name of the company)

Categories of income

1

2

6



3

4

1.

2.

3.

4.

5.

3. I declare any post held in foundations or similar bodies and in teaching or research establishments, during the three-year period before I took up the office of European Ombudsman:

Membership(s)

(nature of the post - name of the institution)

1.

2.

3.

4.

5.

B) Current activities

4. Pursuant to Article 10(1) of the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, I declare that I undertake no political and administrative duties or any other occupation, whether gainful or not.

C) Outside activities

5. Pursuant to Article 10(1) of the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, I declare that I do not have any occasional remunerated outside activity.



6. Pursuant to Article 10(1) of the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties and the Code of Conduct, I declare that I do not participate in any board or committee of non-governmental organisations, associations or other similar bodies, whether remunerated or unremunerated.

7. Pursuant to Article 10(1) of the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties and the Code of Conduct, I hold the following honorary posts in foundations or similar bodies [12] in the cultural, social, sporting or charitable domains and in teaching or research establishments.

Honorary post(s)

(nature of the post - name of the institution)

- 1.
- 2.
- 3.
- 4.
- 5.

D) Financial interests

8. Pursuant to Article 9(1) and Article 10(1) of the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties and the Code of Conduct, I declare that I have no holdings in any companies which might create an actual, apparent or potential conflict of interest in the performance of my duties.

9. I declare the following further financial interests which might create an actual, apparent or potential conflict of interest in the performance of my duties.

- 1.
- 2.
- 3.

E) Assets (except the homes reserved for the owner or her family)



10. I declare any real estate asset which might create an actual, apparent or potential conflict of interest in the performance of my duties:

11. I declare any other property which might create an actual, apparent or potential conflict of interest in the performance of my duties:

F) Spouse's/partner's/dependent family members' professional activity and financial interests

13. I declare my spouse's/partner's professional activity and financial interests which might create an actual, apparent or potential conflict of interest in the performance of my duties:

Date

Signature

Statements included in this declaration are made under the sole and personal responsibility of the incumbent European Ombudsman.

This statement will be published on the European Ombudsman's homepage.

Annex 2 - Missions

The Ombudsman is required to travel in the course of her duties and is entitled to the reimbursement of travelling expenses and hotel expenses as well as to the payment of a subsistence allowance. These payments are made with appropriations provided for under item 104 *Mission expenses* of the Ombudsman's budget.

Any mission and booking for a given trip must be preceded by the approval of a mission order submitted in MISSEO (electronic tool for mission approval and reimbursement). In order to check the availability of appropriations and to formally authorise the expenditure, mission orders are approved by the Head of Personnel, Administration and Budget Unit (PAB) or by the responsible Director. The mission order should include information about: the purpose of the mission, the place of the mission, the means of transport to be used, as well as the dates and time of work and travel.

The Ombudsman may use any means of transport appropriate for the purposes of the mission based on cost-effectiveness considerations and taking into account the needs of the institution as well as considerations of safety, reliability and convenience. When travelling by plane or train, the Ombudsman may avail of first class (train) or business class (plane) to facilitate



on-board working. The Ombudsman may also, exceptionally, travel by air between Strasbourg and Brussels.

All necessary travel tickets are issued through the Ombudsman's official travel agency. Exceptions are acceptable when direct on-line issuing guarantees better fares and is in the interest of the office.

The re-imbursement of travel expenses incurred in the course of a mission is, in principle, based on travel between Strasbourg and the place of the mission. Whenever, for private reasons, the Ombudsman starts her mission from another place, the reimbursement that is due to the Ombudsman is calculated on the basis of (and only up to) a Strasbourg – mission destination airplane/train ticket. Whenever necessary, mission declarations should include a note explaining travelling arrangements.

Charges for excess baggage shall be reimbursed only when the baggage limit has to be exceeded for official reasons.

Taxi costs to/from the airport or the railway station do not give rise to separate reimbursement and are covered by the daily subsistence allowance paid to the Ombudsman during the mission.

Any private travel, including taxi for personal purposes, will be personally paid by the Ombudsman.

A mission starts at the time of departure and ends at the time of return to the place of work. If a mission is combined with private engagements, public holidays or week-ends, that time will be deducted from the duration of the mission and shall not give rise to the payment of a subsistence allowance or the reimbursement of additional travelling and hotel expenses. The Personnel Administration and Budget Unit (PAB) should be informed of such special circumstances when the mission is declared.

The daily subsistence allowance payable to the Ombudsman is that of an official increased by 5% (Article 6 of Regulation No 422/67/EEC determining the emoluments of the European Ombudsman).

Hotel expenses (excluding breakfast and other meals) are reimbursed on presentation of the bill. Bookings should always be made with due attention to the cost-effectiveness and the sound management of the available appropriations. In the unlikely event that hotel expenses exceed EUR 300 per day, a justification shall be attached to the mission declaration. The Ombudsman covers the extra accommodation expenses, namely the difference between the cost of a room when used by one person as compared to the cost of one room used by two, when accompanied by her spouse/partner.

Every day personal expenses (e.g. dry cleaner, hair dresser etc.) do not give rise to separate reimbursement and are covered by the daily subsistence allowance.



Reception and representation expenses incurring during mission must be claimed separately following the internal rules for reimbursement of such expenses.

When a mission is cancelled, the Cabinet should inform the PAB Unit as soon as possible, which then cancels the tickets and hotel reservations swiftly in order to avoid or reduce cancellation fees wherever possible. The office bears the cost of any cancellation fees that do arise. The Ombudsman's Cabinet should also update the internal and website calendars and inform the driver when appropriate.

The Ombudsman is reimbursed on the basis of the mission declaration she submits upon her return from a mission. The declaration shall contain information about: the purpose of the mission, the place of the mission, the means of transport, the duration of the mission, the duration of the work, hotel expenses (excluding breakfast and other meals), any meals offered to the Ombudsman, and other expenses for which reimbursement is claimed.

The Ombudsman should make sure to keep and submit all relevant documents (tickets, boarding passes, invoices, receipts, etc.) to support her claims.

The Ombudsman may use the service car for travel between her residence in Strasbourg and her office in Strasbourg, the train station or any international airport in the region. She may also use the service car for travel to and from any professional meeting or social engagement related to her duties.

The use of the European Parliament's service cars in Brussels is covered by the Ombudsman's Co-operation agreement with the Parliament.

[1] Decision 94/262/ECSC, EC, Euratom

[2] <http://www.ombudsman.europa.eu/en/resources/publicserviceprinciples.faces> [Link]

[3] OECD, *Managing Conflict of Interest in the Public Service . OECD guidelines and country experiences* , 2003, p 58.

[4] For the purposes of this provision the EO applies the definition of the EU Staff Regulations for the allocation of family allowances.

[5] The expression 'foundations or similar bodies' means non-profit organisations or associations which carry out activities in the general interest in the above-mentioned domains.

[6] In the event that the Ombudsman herself or another party identifies a conflict of interest situation, Ombudsman shall take steps to deal with the situation. The concrete steps to be taken will be decided on a case-by-case basis. For example, if a complainant has a personal relationship with the Ombudsman, the Ombudsman should declare it, a note shall be included in



the file and the inquiry shall be delegated to the Secretary General so as to ensure impartiality.

[7] This refers to professional trips.

[8] Persons who attend meetings, host meals or accept invitations should be informed in advance that the detailed information mentioned above will be published on the EO website.

[9] Protocol gifts that are offered for courtesy reasons in the context of the Ombudsman's official activities may include chocolates, flowers, books, pens, music or other promotional items with the Ombudsman's logo.

[10] This does not apply to gifts of a personal character such as scarfs, ties, pens.

[11] Any income received in respect of each item declared shall be placed in one of the following categories:

1. EUR 500 to EUR 1000 a month;
2. EUR 1001 to EUR 5000 a month;
3. EUR 5001 to EUR 10 000 a month;
4. More than EUR 10 000 a month.

[12] The expression 'foundations or similar bodies' means non-profit organisations or associations which carry out activities in the general interest in the above-mentioned domains.