

Massimo Mauro - 7 May 2011

Consultation on the draft statement of public service principles for EU civil servants

The draft contains a number of “legislative” mistakes, which I deem quite significant, and some choices I disagree with.

Amongst them:

- the footnote stating “*The term “civil servant” refers to the staff of the EU institutions, bodies, offices, and agencies. They are formally known, in EU language, as “officials and other servants”*” should be completed by adding: “*It should be noted that Members of the Commission, Judges of the European Court of Justice, Members of the European Parliament are not EU civil servants, and are appointed by the Union member states or elected.*”. This would be in order to better inform the citizens.

- it does not appear advisable to repeat, in this case even in a weaker form, obligations to which EU civil servants (hereafter ECS) are already subject pursuant to the Staff Regulations of the officials and other servants (hereafter SR).

An example : “*They should declare any private interests relating to their functions.*”

Article 11a SR states:

“1. *An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.*

2. *Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.*

3. *An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.*”

- hinting, by writing, “*Civil servants should be conscious that the Union’s institutions exist in order to serve the interests of the Union and of its citizens.*” that ECS do not know what their purpose is, whilst SR Art. 11 states, *inter alia*, “*He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Communities.*”

- suggesting that ECS use “the system” to squeeze all the benefits they can, as in “*In claiming expenses and allowances, civil servants should be guided by a sense of propriety, rather than seeking to maximise their benefits.*”, is unfair, as it repeats populist urban legends and libellous lies, often appearing for instance in the UK gutter press, usually referred to under the code name “Brussels gravy train”.

- under the heading “Integrity”, surprisingly enough, not a single word is spent on the need for political appointees, as opposed to professional career civil servants, not to wield their disproportionate power in order to secure advantages and positions for family, friends, cronies etc. This does not only affect individuals who are not ECS (Cresson, Verheugen, etc.) and who have heavily contributed to disgrace the EU civil service, being often mistakenly called “officials”, which they never were, but more specifically directors and director-generals, often appointed by deferring to member states, rather than choosing available and capable ECS.

This could be expressed in a neutral form by stating, for instance: “*European civil servants*

appointed from outside the institutions to managerial posts should take particular care in respecting the obligations of Art.11 of the SR to which they are subject, knowing that their behaviour shall be even more narrowly scrutinised.”.