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The President



Mr P. Nikiforos DIAMANDOUROS
 European Ombudsman
 1, avenue du Président Robert Schuman
 B.P. 403
 F-67001 STRASBOURG

106225 17.05.2011

Subject: Public consultation on a draft statement of public service principles

Dear Mr Diamandouros,

Thank you for your letter of 25 February 2011 informing Parliament of your intention to launch a public consultation in view of the possible issuing of a *"straightforward and concise statement of principles that should guide the conduct of officials and other staff"*.

In your letter, you also informed Parliament of a consultation of national ombudsmen which was launched in May 2010, and included a report of 14 January 2011 entitled "Report on the consultation of national ombudsmen on ethical principles for civil servants", as well as a statement of "public service principles". Parliament understands that these documents, together with an invitation to the public to comment, will form the basis of the public consultation.

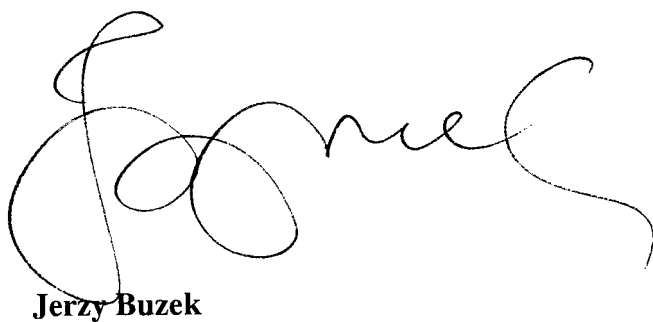
Parliament welcomes this valuable initiative and looks forward to receiving the outcome of the public consultation. Obviously, Parliament agrees with the aim of continuously improving the efficiency and quality of its administration in line with the objectives established by Article 298 TFEU.

In your work, I have no doubt you will take full account of the very extensive set of obligations, legal and administrative, which already guide the officials of the European Parliament in all of their activities, and which derive not only from the Staff Regulations and the jurisprudence, but also from existing internal rules concerning conduct of officials. As regards the latter, I enclose for your consideration the "Code of conduct" adopted by the Bureau on 7 July 2008, which is a guide to the fulfilment of their obligations by officials and other servants of the European Parliament.

You may rest assured that any statement of principles you draft in the light of the outcome of the current consultation will be carefully considered by the relevant authority within Parliament.

I wish you every success in this interesting and worthwhile initiative.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jerzy Buzek', with a large, stylized initial 'J'.

Enclosures

ANNEXE**7.1.2.1.**

**GUIDE TO THE OBLIGATIONS OF OFFICIALS AND
OTHER SERVANTS OF THE EUROPEAN PARLIAMENT**

CODE OF CONDUCT

ADOPTED BY THE BUREAU

ON

7 JULY 2008

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OBLIGATIONS OF OFFICIALS AND OTHER SERVANTS

INTRODUCTION

1. Pursuant to Article 27 of the Staff Regulations of Officials of the European Communities and Article 12 of the CEOS (Conditions of Employment applicable to other servants of the European Communities), the staff of the European institutions must offer the highest standards of ability, efficiency and integrity. The fact that Title II of the Staff Regulations is given over to the rights and obligations of officials and other servants¹ suggests that the European Civil Service is bound by its own code of ethics. Further evidence that such a professional code applies can be found in the preamble to the basic regulation - Regulation (EEC) No 31 of 18 December 1961 - in which the Staff Regulations are identified as the legal means of securing independent, upright, competent, and efficient personnel to work for the European Communities. The rules of conduct laid down in the Staff Regulations apply to all staff employed by Parliament.
2. Officials and other servants are required to observe both the provisions governing the performance of their duties and certain provisions relating to their lives outside work. Although they enjoy the freedoms accorded to all citizens, they must exercise them with due regard to their obligations vis-à-vis the European Union institutions. The Staff Regulations thus lay down a whole series of do's and don'ts that constitute obligations extending beyond the sphere of performance of duties and relations with Parliament to encompass life outside work. Infringements are punished by the appropriate authority (the Appointing Authority or AA in the case of officials, the Authority Empowered to Conclude Contracts of Employment or AECC in the case of staff covered by the Conditions of Employment applicable to other servants of the European Communities).
3. The purpose of the code of conduct is to set out the professional and ethical obligations of officials and other servants and to provide greater insight into the spirit and the scope of the provisions applicable.
4. The code accordingly gives 'directions for use' for the various provisions applicable and invokes the essential principles which every European Civil Servant is required to observe. The code should be read in conjunction with the Staff Regulations and the internal rules.
5. In the event of any doubt concerning the conduct to be followed and in order to ascertain the rules to be observed and the procedure to be followed in a given case, officials should contact the Staff and Career Management Unit within the Directorate-General for Personnel.

¹ Articles 11 and 81 of the Conditions of Employment applicable to other servants of the European Communities (CEOS) provide for the application by analogy of Title II of the Staff Regulations to temporary and contract staff.

I. GENERAL OBLIGATIONS

By virtue of the general obligations applying to them in the exercise of their duties and in their lives outside work, officials and other servants are bound by an obligation as regards independence, circumspection and discretion. These obligations have been established in order to safeguard the activities and the reputation of the European Union and of its staff.

The articles of the Staff Regulations which are referred to in Titles I and II of this code are applicable by analogy to other staff (Articles 11, 16, 81 and 91 of the CEOS).

A. Obligation as regards independence

1. The obligation as regards independence is an absolute requirement incumbent on EU officials and other staff in relation to national authorities (including the States of which they are nationals, political forces and pressure groups) and implies that they must act with personal impartiality in order to further the interests of the European Union.
2. EU officials and other staff *'shall carry out [their] duties and conduct [themselves] solely with the interests of the Communities in mind. [They] shall neither seek nor take instructions from any government, authority, organisation or person outside [their] institution (Staff Regulations, Article 11, first subparagraph).*
3. To guarantee such independence, Articles 11, 11a, 12b and 13 of the Staff Regulations lay down a system of express authorisation and notification obligations. Since they have to cooperate faithfully with Parliament, officials and other staff must, on their own initiative, notify information concerning their personal situation or seek the necessary permission.
 - (a) Permission to receive honours, decorations, favours or gifts (see form in Annex 1)
 1. Permission must be obtained from the appropriate authority before officials may accept from any government or from any source outside the institution *'any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before [their] appointment or during special leave for military or other national service and in respect of such service'* (Staff Regulations, Article 11, second subparagraph).
 2. Officials or other servants wishing to benefit from one of those advantages must seek authorisation from the proper authority through the official channels, using the appropriate form (see form in Annex 1). Only gifts or presents worth less than EUR 100 may be accepted without a prior request for authorisation. When the value involved exceeds that limit, officials and other servants are advised to discourage outside parties from offering them gifts if they are connected with work performed in the line of duty.
 3. Officials and other servants need to be keenly aware of the risks to which they might be exposed (not least from the disciplinary point of view) on account of the aggressive business practices of certain companies or possible offers of employment in the private sector after they have left Parliament's service.

4. It follows that, when dealing with the pressure groups or lobbies that keep a close watch on Parliament's activities, officials or other servants must behave in the manner required by the independence of their position and the principle of integrity.
5. Given that Parliament's growing role and powers are attracting interest in certain quarters, officials and other servants need to proceed with the utmost caution whenever the occasion demands.
6. Finally, the reference to 'honours' in Article 11 covers any form of reward (including gratuities) that might blur the distinction between private dealings and the responsibilities incumbent upon an official or other servant.

(b) Permission to engage in an outside activity (see form in Annex 2)

1. Under Article 12b(1) of the Staff Regulations, officials and other servants must obtain permission from the appropriate authority when they propose to engage in an outside activity (gainful or otherwise), whether or not it is connected with their duties within Parliament. The same applies to persons wishing to carry out an assignment outside the Communities. Pursuant to the second sentence of that paragraph, however, *'permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the institution'*.
2. For permission to be granted, the outside activities should not provide more than a subsidiary occupation that could not be considered to constitute full-time employment in the country where the activities are carried on. In other words, officials and other servants may not be employed simultaneously in a public and private capacity (for example, authorisation to work as a translator, doctor, nurse, architect, full-time teacher, lawyer or typist, or to carry on a business, etc. is invariably refused).
3. More precisely, officials or other servants are prohibited under Article 15 of the Staff Regulations from pursuing gainful employment other than public office. On the other hand, this ban does not apply if the official or other servant is granted leave on personal grounds (pursuant to Article 40 of the Staff Regulations) or unpaid leave (pursuant to Articles 17 and 91 of the CEOS), provided that they discharge the duties expected of European civil servants and abide by professional ethics.
Officials or other servants shall submit their application by completing the form contained in Annex 2. When considering whether to grant permission, the appropriate authority takes into account the nature of the activity and the body in which the activity is to be performed, the duration of and timetable for the services, the financial arrangements and, where applicable, the end results of the activity (in particular, any publications). Authorisation is given only in respect of a specific activity for one year at a time. If the activity is to continue beyond a year, the official or other servant must submit a fresh application.
4. Attendance at conferences or symposia as an official representing Parliament is not affected by Article 12b, since authorisation and indeed travel orders are a matter for the Directorate-General concerned. No fees may be paid for attendance in the above capacity.
5. Leisure, charitable, and other activities of the same kind are not subject to authorisation. However, officials and other servants may not engage in such activities unless these are

consistent with the principle of independence and the requirement to remain at the disposal of Parliament and entail no adverse consequences for the Union.

6. An official or other servant who has been permitted to carry on an outside activity may not accept any payment other than refunds of costs related directly or indirectly to that activity.
 7. Copyright and other rights in respect of works produced by officials or other servants are excluded from the scope of the above provisions, without prejudice to Article 18 of the Staff Regulations. In cases covered by that article, the sums received are paid over to the Communities.
- (c) Conflict of interests. Officials and other servants are forbidden to hold interests in undertakings which are subject to the authority of their institution or which have dealings with that institution; consequences of a spouse's gainful employment (see form in Annex 3)
1. Pursuant to Article 11a of the Staff Regulations, officials or other servants may not, in the performance of their duties, comment on or deal with a matter in which, directly or indirectly, they have any personal interest such as to impair their independence, impartiality or objectivity. This obligation applies to all circumstances which officials or other servants responsible for dealing with a matter should reasonably understand to be of a nature such as to appear in the eyes of third parties as something which may affect their independence. If officials or other servants are required to deal with such matters in the course of their duties, they are obliged to notify the appropriate authority without delay; the latter will take suitable action, including discharging the officials or other servants concerned of their responsibilities in the matter.
It must be made clear that financial players and any other persons involved in budget-related activities are obliged in such circumstances to abstain and to contact their immediate superior, who will take any appropriate action.
Generally speaking, if officials or other servants have any doubts concerning the conduct called for in a given case, they should always contact their immediate superiors.
 2. Officials and other servants may not hold personal interests likely to conflict with those of the Community or their institutions. Accordingly, the Staff Regulations prohibit them (for example) from *keeping or acquiring, directly or indirectly, in undertakings which are subject to the authority of the institution to which they belong or which have dealings with that institution, any interest of such kind or magnitude as might impair their independence in the performance of their duties* (Article 11a(3) of the Staff Regulations). The undertakings referred to in this article are those with which officials or other servants are required to negotiate or conclude contracts or which they supervise.
 3. In practice, should officials or other servants be required to negotiate or conclude a contract or supervise an undertaking in which they hold an interest, they must inform the Secretary-General of this fact in writing without delay through their immediate superiors so that they may be relieved of their duties and, where appropriate, transferred. If they did acquire interests in such companies, they could incur severe disciplinary penalties.
 4. Given that an official's spouse may retain or acquire interests in undertakings subject to the authority of or having dealings with Parliament, and since the nature or magnitude of those interests might be such as to impair the official's independence in the performance

of his or her duties, the official must declare those interests in order to enable a solution to be found whereby he or she can carry out his or her duties and conduct him- or herself solely with the interests of the Communities in mind, in accordance with Article 11 of the Staff Regulations.

5. Where spouses are in gainful employment, officials shall inform the appointing authority of their institution. Should the nature of the employment prove to be incompatible with that of the officials [or other servants] and if the officials [or other servants] are unable to give an undertaking that it will cease within a specified period, the appointing authority shall, after consulting the Joint Committee, decide whether the officials shall continue in their posts or be transferred to other posts (Article 13 of the Staff Regulations). The form for declaring a spouse's gainful employment is reproduced in Annex 3. A new form must be completed whenever the spouse changes or leaves a job. The declaration is added to the personal file of the official or other servant concerned.
6. Article 16 has been drafted with a view to stressing that officials and other servants have a duty of independence, integrity, honesty and discretion, even after they have left the service. Pursuant to that article, officials [and other servants] shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.
Officials or other servants who propose to pursue an occupation (gainful or otherwise) in the two years after they leave the service are thus required to inform the institution of that fact. If the occupation relates to the duties performed by those officials or other servants during their last three years of service and may be incompatible with the institution's legitimate interests, the appropriate authority may prohibit the pursuit of that occupation or make it subject to appropriate conditions. That authority's decision (taken after consultation of the Joint Committee) shall be communicated to officials or other servants concerned within 30 working days of the date upon which those officials or other servants informed the institution of their intention. If no decision is communicated within that deadline, this may be interpreted as implicit acceptance of the officials' or other servants' wish to pursue the occupation in question.

B. Obligation as regards circumspection

1. The Staff Regulations stipulate that officials shall refrain from any action or behaviour which might reflect adversely upon their position (Article 12 of the Staff Regulations).
2. The above provision raises the issue of the general obligation as regards circumspection whereby officials and other servants, while enjoying the freedom of opinion and expression which constitutes a fundamental human right, must observe a degree of moderation and conduct themselves at all times with a due sense of proportion and propriety.
3. Any failure to observe the obligation as regards circumspection is assessed according to the nature and level of the duties performed and the circumstances.
4. *The obligation as regards circumspection is different from the obligation as regards discretion with regard to files and information to which officials or other servants have become privy while performing their duties (see point C below).*

5. The obligation as regards circumspection does not prohibit officials or other servants from participating in public life both as citizens and as elected representatives, but the Staff Regulations explicitly lay down provisions concerning two instances - namely, standing for election and the publication of documents.
6. Although specific reference is made to written material, officials and other servants must not underestimate the consequences of taking part in interviews or appearing on broadcasts on television, radio, or other media. Even though they might have been approached by the media for reasons unconnected with their position, they are advised to inform Parliament whenever possible. On the other hand, if an interview or programme relates directly to their duties, they must be expressly authorised to appear either by virtue of their job description or by decision of their Director-General or the Secretary-General.

C. Duty to exercise discretion

1. Pursuant to Article 17(1) of the Staff Regulations, officials [or other servants] shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public. They shall, of course, continue to be bound by this obligation after leaving the service (Article 17(2) of the Staff Regulations).
2. The duty to exercise discretion relates to the internal proceedings and action of Parliament, the confidential nature of which is thus taken as read. No distinction is made between different forms of disclosure. Those entitled to have access to information are, depending on the matters involved, the superiors and subordinates of officials and other servants, provided that the information is necessary for the performance of their duties, or the body for which they are working (competition selection boards, for example: selection board proceedings are confidential and may not be notified to the superiors of officials or other servants appointed to such selection boards).
3. To underpin this duty to exercise discretion, the permission of the appropriate authority *is required for officials or other servants to disclose on any grounds whatever, in any legal proceedings, information of which they have knowledge by reason of their duties.* Permission shall be refused only where the interests of the Communities so require and such refusal would not entail criminal consequences as far as the officials *[or other servants]* are concerned. Officials *[and other servants]* shall continue to be bound by this obligation after leaving the service (*Article 19 of the Staff Regulations*).
4. According to the case-law established by the European Court of Justice, the appropriate authority also has to give its consent in order to enable an official or other servant to assist actively in national legal proceedings, for instance to testify as a witness. That authority is obliged to grant permission unless it is entitled to refuse for compelling reasons connected with the need to safeguard the interests of the Communities.
5. However, such permission is not necessary if officials or other servants are required to give evidence before the European Court of Justice or a disciplinary board on a matter involving an official or other servant or former official or other servant of the European Communities.

(a) Situation of officials or other servants who are candidates for public office (see forms in Annexes 4 and 5)

1. Officials or other servants who are candidates for elective public office or high political office must inform the institution and ensure that a distinction is drawn between their status as candidates and their duties within the institution. They must observe the greatest discretion with regard to all facts and information coming to their knowledge in the course of the performance of their duties.
2. On the basis of Article 15(1) of the Staff Regulations, officials or other servants wishing to stand for elective public office or for high political office must notify the appropriate authority (see form in Annex 4). Pursuant to Article 15(2) of the Staff Regulations, an official or other servant who is elected or appointed to public office shall immediately inform the Appointing Authority (see form in Annex 5).
3. The appropriate authority decides - on the basis of the interests of the service and the importance of the office, taking into account the obligations it entails and the remuneration and allowances to which it gives entitlement - whether officials or other servants standing as candidates and those subsequently elected or appointed are required to submit an application for leave on personal grounds (CCP) or whether they can be granted annual leave, be authorised to work part-time or continue to work as before.
4. It must be pointed out that officials or other servants standing or elected in European or national elections or placed at the top of a list for city-council elections - and also those appointed to high political office - are put on CCP for a period corresponding to the length of the election campaign or their term of office.

(b) Publications (see form in Annex 6)

1. Pursuant to Article 17a(1) of the Staff Regulations, officials have the right to freedom of expression, with due respect to the principles of loyalty and impartiality. Article 17a(2) states that officials [or other servants] who intend to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Communities shall inform the Appointing Authority in advance. Where the Appointing Authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Communities, the Appointing Authority shall inform the officials [or other servants] of its decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the Appointing Authority shall be deemed to have had no objections.
2. Consequently, if the appropriate authority does not demonstrate within the above time limit that the envisaged publication 'is liable seriously to prejudice the legitimate interests of the Communities', said publication may go ahead.
3. As a general rule the appropriate authority does not object to publication if the officials and other servants concerned indicate in particular that the opinions set out in the text constitute the personal opinion of the author, since this will enable Parliament's image and reputation to be maintained to the greatest possible degree.
4. Outside the service and provided that EU activities are not involved, freedom of expression prevails as a fundamental right and enables officials and other servants to

contribute to literary, artistic or scientific publications and the like. In such cases they are acting solely in a private capacity.

II. SERVICE OBLIGATIONS

It is the task of officials and other servants to serve Parliament by performing the role assigned to them. Several duties stem from this concept of service: the duty to be constantly at Parliament's disposal, the duty of officials and other servants to perform the tasks assigned to them, the duty to respect, assist and tender advice to superiors, the duty to respect one's colleagues, the duty to assume one's responsibilities as an official or other servant, the duty to assist investigating authorities, and the duty of officials and other servants to fulfil their private obligations and comply with the laws and police regulations in force.

A. Duty to be constantly at Parliament's disposal

1. Pursuant to Article 55 of the Staff Regulations and subject to the limits laid down in the second and third subparagraphs of that article, officials and other servants shall at all times be at the disposal of the institution. They must observe official working hours, the normal working week, and arrangements for leave, and may not absent themselves from work without permission or justification.
2. That provision enables Parliament, because of the exigencies of the service and within the limits laid down in Article 56 of the Staff Regulations, to ask officials to work overtime², recall them from annual leave, refuse an application for leave or cancel the leave authorisation granted. Reasons must be given for any such decisions by the institution. Under no circumstances may leave days refused or cancelled under such conditions be lost by the officials or other servants concerned.
3. To provide a more effective guarantee that officials and other servants will comply with their duty to be constantly at the disposal of their institution, the Staff Regulations also incorporate a residence obligation. Pursuant to Article 20 of those Regulations, officials and other servants are required to reside either in the place where they are employed or at no greater distance therefrom as is compatible with the proper performance of their duties. Under that article, officials and other servants are also required to notify the institution of their personal address; see on the Intranet the form for notifying a change of private address (which is to be sent to the Individual Entitlements Unit in the case of officials and other servants posted to Luxembourg) and the one relating to the Protocol Special Identity Card (for officials and other servants posted to Brussels).
4. Notification of a private address enables the institution to register officials or other servants with the appropriate national authorities, with all the material, legal and practical consequences that such registration entails. Such information is treated confidentially.

² Solely in urgent cases or in the event of an exceptionally high workload, and subject to a ceiling of 150 hours per six-month period.

5. Article 60 of the Statute underpins the provision by requiring officials and other servants to obtain prior authorisation from the appropriate authority to spend sick leave away from their place of employment. Such authorisation is granted by that authority after consulting the Medical Officer, in respect of a specific period and a specific address.
6. At any time, officials and other servants on sick leave may be required to undergo a medical examination organised by Parliament, pursuant to Article 59 of the Staff Regulations and the relevant internal rules.

B. Duty of officials and other servants to perform the tasks assigned to them

1. Pursuant to Article 21 of the Staff Regulations, officials and other servants are responsible for the performance of the duties assigned to them. They must devote themselves to performing the work involved in the posts they occupy and may not transfer responsibility for that work to their colleagues, failing which a procedure for dealing with incompetence (with all the ensuing implications) may be opened against them (Article 51 of the Staff Regulations). Even if they feel that a post does not suit them, they remain obliged to perform their duties in their place of employment until such time as a transfer may be granted. The obligation incumbent on officials and other servants to perform the duties assigned to them also implies that they must cooperate with other colleagues and have an understanding of teamwork.
2. The requirement that officials and other servants perform the duties assigned to them is sometimes accompanied by an obligation to wear a uniform. In that case, the uniform is selected and paid for by Parliament.
3. Pursuant to Article 22 of the Staff Regulations, officials or other servants may be required to make good, in whole or in part, any damage suffered by the Communities as a result of serious misconduct on their part in the course of or in connection with the performance of their duties. A reasoned decision will be taken by the Appointing Authority in accordance with the procedure laid down in regard to disciplinary matters. Article 22 thus acknowledges the financial liability of officials and other servants in cases of serious personal misconduct and grants unlimited jurisdiction to the Community judicial authorities in disputes arising under this provision.

C. Duty to treat the institution and one's superiors with respect. Obligation to assist and tender advice to one's superiors

1. Officials and other servants must perform their duties in accordance with the instructions received. Officials and other servants, whatever their rank, are required to assist and tender advice to their superiors (first paragraph of Article 21 of the Staff Regulations), which implies the duty of active and honest cooperation, informing and explaining, proposing initiatives and solutions, and giving advice. In the performance of their duties they are to disregard their personal interests.

2. Officials or other servants in charge of any branch of the service shall be responsible to their superiors in respect of the authority conferred on them and for the carrying out of instructions given by them. The responsibility of their subordinates shall in no way release them from their own responsibility (second paragraph of Article 21 of the Staff Regulations).
3. Officials and other servants invested with hierarchical authority have the power to give instructions and the obligation to take responsibility for them, both as regards their content and implementation, and may not disclaim such responsibility. They must carry out the instructions of their superiors without fail and may not misconstrue them when doing so. The power deriving from authority also implies that an immediate superior has a duty to listen to his or her subordinates and show concern for their welfare.
4. The duty to comply with instructions from superiors has certain limits which are laid down in Article 21a of the Staff Regulations. Under no circumstances are officials or other servants required to carry out an order which is manifestly illegal or in breach of the relevant safety standards.
5. All officials are in the service of Parliament and must help it to accomplish the tasks conferred on it by the Treaties to the best possible effect. They must therefore act with complete impartiality, fairness and neutrality, having regard solely to the interests of Parliament and the European Union.

D. Ban on the insulting of colleagues' dignity

1. When at work, officials and other servants must never insult the dignity of colleagues by behaving improperly or using aggressive or slanderous language. Such actions or words carry disciplinary penalties.

This also applies - as provided for in Article 12a of the Staff Regulations - to any form of psychological or sexual harassment. More specifically, cases of sexual harassment are treated as discrimination based on sex. Any officials or other servants who consider themselves to be confronted with a problem of this nature may contact the Committee on Harassment and the Prevention thereof at Work.

2. Attitudes such as a refusal to carry out instructions received or reporting for work in a state not befitting the dignity inherent in the performance of the requisite duties cannot under any circumstances be accepted.

E. Obligation of officials and other servants to exercise their responsibilities

1. The responsibility falling to every official and other servant also calls for team spirit (i.e. a feeling of unity and solidarity) in the interests of the smooth running of the Secretariat. When a problem comes to light, officials and other servants cannot maintain that they need do nothing about it because it is not covered by their particular job description. For example, faults discovered in any part of the buildings must be reported immediately.

F. Obligation to cooperate loyally with the institution and its authorities

1. Without infringing fundamental rights, Parliament must create the climate and guarantee the transparency required to ensure that any problems can be dealt with internally as soon as they arise. For the purposes of administrative inquiries instituted and conducted in the proper form, officials and other servants must cooperate in every way and supply such information in their possession, supported by any necessary explanations.
2. Similarly, officials and other servants must cooperate closely in the official inspection operations carried out by the Community institutions and bodies empowered to do so, including the Court of Auditors, the European Ombudsman and the European Anti-Fraud Office (OLAF), by extending all necessary assistance and supplying any information requested in connection with an investigation or inspection.
3. Moreover, in keeping with the institutions' fraud-prevention commitments, when officials or other servants learn of evidence giving cause to suppose that cases of fraud, corruption or any other illegal activity, or serious professional misconduct may have occurred, they must inform their immediate superior without delay or, if they consider it useful, the Secretary-General or the Anti-Fraud Office directly (pursuant to the decision adopted by Parliament on 18 November 1999).
4. It should, however, be pointed out that the obligation to provide information presupposes that officials or other servants themselves know of factual 'evidence' from which it may be inferred that the cases to which it relates are such that they could become the subject of OLAF investigations. It should, however, be stressed that rumours and conjecture are not evidence and that anyone who makes a malicious accusation is personally responsible for his or her actions.
5. The above-mentioned Parliament decision also stipulates that, when it emerges that an official or other servant may be personally implicated, he or she must be swiftly informed, provided that it is possible to do so without jeopardising the investigation. In any event, when an official or other servant has been mentioned by name, the corresponding conclusions may not be drawn at the end of the inquiry unless the named party has been given an opportunity to comment on all of the relevant points.

G. Duty of officials and other servants to fulfil their private obligations and comply with the laws and police regulations in force

1. Pursuant to Article 23 of the Staff Regulations, *'the privileges and immunities enjoyed by officials [and other servants] are accorded solely in the interests of the Communities. Subject to the Protocol on Privileges and Immunities, officials [and other servants] shall not be exempt from complying with the laws and police regulations in force.'* Whenever those privileges and immunities are threatened, the official concerned must immediately inform the appropriate authority.

H. Protection of officials and other servants

1. Parliament has an obligation to protect, assist and care for its officials and other servants - an obligation which is laid down in Articles 24 to 26a of the Staff Regulations.
2. Parliament must not only assist, protect and defend officials and other servants who, in connection with their position and their duties, receive threats to themselves, to their families or to their property; pursuant to the duty of care it must also take their legitimate interests into account when any decision is taken.
3. Furthermore, Parliament must preserve the confidentiality of all personal files and of computerised data held in personnel-management systems.
4. Parliament must provide officials and other servants with a suitable working environment and operate efficient, transparent administrative procedures.

III. RELATIONS WITH CITIZENS

1. In accordance with the relevant applicable rules the European Civil Service must be both open and accessible to citizens, since decisions taken at EU level are having an increasingly direct impact on the various aspects of European citizens' everyday lives.
2. Parliament must consequently take the steps required to enable it to adapt its management style and administrative ethos so as to make for better communication with the public.
3. The term 'public' covers all natural and legal persons (EU citizens, nationals of non-member countries, economic operators, and so on) resident in the EU, whether they act individually or through representatives such as lawyers or interest groups.
4. In the performance of their duties, officials and other servants must at all times refrain from practising any form of discrimination based on the nationality, sex, race or ethnic origin, culture, religion, age, language, sexual orientation or physical condition of the person with whom they are dealing. Furthermore, they must never abuse the powers conferred on them when carrying out their duties.

5. Officials and other servants must behave in a courteous and helpful way when dealing with the public.

A. Administrative openness

1. Any written request sent by a person from outside the institution to one of Parliament's administrative departments must be dealt with as quickly as possible. In accordance with the applicable rules the reply shall be drafted in the EU official language used by the applicant.
2. When requests have been sent to the wrong administrative department, the officials or other servants who receive them shall immediately pass them on to the appropriate department.
3. In addition to his or her signature, the surname, forename and position of the person responsible shall be specified in every decision.
4. Pursuant to the relevant rules and in accordance with the instructions received by their immediate superiors, officials and other servants must clearly set out the reasons for an unfavourable decision.
5. If a decision may be appealed against, it must contain in particular information concerning the nature of the appeal, the bodies to which an appeal may be submitted (the Appointing Authority/AECC, the European Ombudsman, the Court of Justice, etc.) and the time limits within which an appeal must be lodged
6. Officials and other servants holding posts that bring them into contact with the public must answer telephone calls and/or electronic messages as quickly as possible. When they are absent from work, messages and calls must be re-routed to the e-mail terminals and the telephones of the colleagues replacing them and/or on duty. Superiors are responsible for ensuring that services are manned.
7. Officials and other servants working for departments dealing with the public must answer questions as and when permitted by the procedures laid down by regulation and administrative practices.
8. Unclear or factually incorrect questions must be returned to their sender with a request for further clarification.

B. Access to European Parliament documents

1. Article 255 of the Treaty establishing the European Community states that any person shall have a right of access to European Parliament documents. The general principles governing such access and the limitations placed upon it are set out in Regulation (EC) 1049/2001 (OJ L 145 of 31 May 2001). In order to comply with that regulation the European Parliament amended its own internal rules by means of a decision taken on 13 November 2001. A European Parliament Bureau decision of 28 November 2001 (which was published in Official Journal OJ C 274

of 29 December 2001) sets out specific provisions governing access to European Parliament documents.

2. The right to information is restricted by the principle of the protection of personal data as set out in Article 286 of the EC Treaty and as further clarified by means of Regulation (EC) No 45/2001 (OJ L 8, 12.01.2001) and the European Parliament Bureau decision of 6 December 2005. The right to information is also restricted by the requirement for professional secrecy which is laid down in Article 287 of the EC Treaty and made explicit in Article 17 of the Staff Regulations.
3. Officials and other servants must always be aware when dealing with requests for access to European Parliament documents of the public's right of access as laid down in the aforementioned legislative instruments.
4. The main instrument facilitating public access is the register of references to European Parliament documents. Most legislative texts are directly accessible via that register. It also contains (where possible) references to other documents drawn up or received by the European Parliament. Officials and other servants must comply scrupulously with the rules drawn up by the Secretary-General regarding the registration of documents and the entry of document references in the register of references to Parliament documents.
5. In its decision of 28 November 2001 the European Parliament Bureau stated that requests for access to Parliament documents would be processed on a centralised basis by the service responsible for the register (register@europarl.europa.eu), which would generally have a period of fifteen working days in which to reply to the request. Any request for access received by officials or other servants for access to documents drawn up or received by the European Parliament will therefore be forwarded to that service, unless the request concerns a document already made available and directly accessible via the register. In the latter case the official will help the requester in his/her search or, where appropriate, supply him/her with the document sought.
6. When officials or other servants are consulted by the service responsible for the register on a request for access to a document falling within the competence of their own service, they shall make every effort to reply within five working days to the service responsible for the register.

C. Data-gathering and information storage

1. Where Parliament is called upon to gather information or data from the public and once the purpose for which they were gathered has been achieved, they may not be stored (unless the parties concerned give their express consent) other than to be processed for historical, statistical, or legal purposes.

D. Complaints

1. Members of the public are entitled to complain to the Director-General for Personnel in respect of any infringements of the provisions set out in Section III of the Code.

CONCLUSIONS

Under the Staff Regulations and in accordance with the intentions of its founders, serving the European Union confers special dignity on officials and other servants, whatever the nature of their duties, the importance of their responsibilities or their position in the hierarchy.

This situation it imposes obligations on them and requires conduct commensurate with such dignity.

Persons entering the European Civil Service must be aware of these requirements (which are laid down solely in the interest of the European Union) and understand that, in addition to the guarantees granted to them under the Staff Regulations, they are bound by a set of duties and obligations with which they must comply.

Hence the legislators wished to protect the European Union from the risk that its officials and other servants might become obligated to persons and sources of pressure outside its institutions.

The employment relationship established by means of the Staff Regulations is rooted in the culture and in the history of the Member States and its specific character embodies the spirit of 9 May 1950.

Annex 1

REQUEST FOR PRIOR AUTHORISATION
pursuant to the second paragraph of Article 11 of the Staff Regulations
and Articles 11, 54, and 83 of the Conditions of Employment of Other Servants

'An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.'

I. APPLICANT (official/other servant)

SURNAME and forename:

Personnel No:

Office address (place, building, office):

Telephone number:

Nature of the request (to be specified in detail):

- subject of the request (honour, decoration, favour, gift, etc.):

- name and address of the government/department/company/other body from which the award/distinction originates:

- reasons and circumstances (if any):

Date:

Applicant's signature:

II. **OPINION OF APPLICANT'S DIRECTOR-GENERAL¹ concerning the compatibility of the request with the interests of the institution**

☐ favourable

☐ unfavourable

If the opinion is unfavourable, please give reasons:

Date:

Signature:

To be forwarded to the Personnel and Career Management Unit in Luxembourg for further action and inclusion in the individual's personal file.

¹ SG of a political group in the case of a seconded official/temporary servant of that group, Head of the President's/SG's Private Office in the case of Private Office staff.

Annex 2

REQUEST FOR AUTHORISATION
to engage in an outside activity or to carry out an assignment outside the Communities
(Article 12b of the Staff Regulations
and Articles 11, 54 and 81 of the Conditions of employment of Other Servants)

'Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Communities, shall first obtain the permission of the Appointing Authority. Permission shall be refused if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the institution

An official shall notify the Appointing Authority of any changes in a permitted outside activity or assignment, which occur after the official has sought the permission of the Appointing Authority under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1'.

I. APPLICANT (official/other servant)

SURNAME and forename:

Personnel No:

Office address (place, building, office):

Telephone number:

Nature of the activity(*)*(give full details: teaching post with name of course, research, type of work, etc.)***Organisation where the activity will be performed(*)**

Name and address:

Information concerning the proposed activity(*)

Place where the activity will be performed:

Total number of hours to be actually worked: per week or per month

This activity will take place (delete where inapplicable):

- outside working hours:
 - . in the evening
 - . on Saturdays
 - . on Sundays
- during working hours (give dates and times):

The activity may involve a total absence of day(s)

Where application is being made for special leave, please include a copy of your application in Streamline.

Financial arrangements(*)

Amount of any payment or fees to be received for:

- (a) travel expenses:
- (b) subsistence allowances:
- (c) other expenses (to be specified):

Publication(*)

Will the activity give rise to any published work?
If so, indicate any fees:

____ (*) *This information must be confirmed below by the organisation where the activity is to be performed:*

Certified true

Stamp and signature

Date

Date:

Applicant's signature:

II. OPINION OF APPLICANT'S DIRECTOR-GENERAL¹ concerning the compatibility of the request with the interests of the institution

☐ favourable

☐ unfavourable

If the opinion is unfavourable, please give reasons:

Date:

Signature:

To be forwarded to the Personnel and Career Management Unit in Luxembourg for further action and inclusion in the individual's personal file.

¹ SG of a political group in the case of a seconded official/temporary servant of that group, Head of the President's/SG's Private Office in the case of Private Office staff.

Annex 3

DECLARATION OF SPOUSE'S GAINFUL EMPLOYMENT
(Article 13 of the Staff Regulations and Article 11 of the Conditions of
Employment of Other Servants)

'If the spouse of an official is in gainful employment, the official shall inform the appointing authority of his institution. Should the nature of the employment prove to be incompatible with that of the official and if the official is unable to give an undertaking that it will cease within a specified period, the appointing authority shall, after consulting the Joint Committee, decide whether the official shall continue in his post or be transferred to another post.'

SURNAME and forename of the official/other servant:

Personnel No:

Office address (place, building, office):

Telephone number:

SURNAME and forename of spouse:

Name of employer:

Duties performed by spouse:

The official or other servant hereby declares on his/her honour that the information given above is correct and undertakes to notify any change in the professional situation of his/her spouse.

Date:

Signature of official or other servant:

To be forwarded to the Personnel and Career Management Unit in Luxembourg for further action and inclusion in the individual's personal file.

Annex 4

DECLARATION OF CANDIDACY
for elective public office or high political office
(Article 15(1) of the Staff Regulations and Articles 11 and 81 of the Conditions of
Employment of other Servants)

'An official who intends to stand for public office shall notify the Appointing Authority. The Appointing Authority shall decide, in the light of the interests of the service, whether the official concerned: (a) should be required to apply for leave on personal grounds, or (b) should be granted annual leave, or (c) may be authorised to discharge his duties on a part-time basis, or (d) may continue to discharge his duties as before.'

I. APPLICANT (official/other servant)

SURNAME and forename:

Personnel No:

Office address (place, building, office):

Telephone number:

Give details of the nature of the elective public office (Member of Parliament, Member of the European Parliament, local authority elections, etc.) or of the high political office to be occupied:

and state, where appropriate:

- the country and place of the election:
- the name of the electoral list:
- the rank occupied on that list:
- the duration of the election campaign (specifying the starting and finishing dates and stating whether the campaign will be conducted during official working hours):

I undertake to inform the Appointing Authority or the AECC without delay if I am elected and to submit the declaration concerning the holding of public office or high political office.

Date:

Applicant's signature:

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II. APPROVAL OF APPLICANT'S DIRECTOR-GENERAL¹

Date:

Signature:

To be forwarded to the Personnel and Career Management Unit in Luxembourg for further action and inclusion in the individual's personal file.

¹ SG of a political group in the case of a seconded official/temporary servant of that group, Head of the President's/SG's Private Office in the case of Private Office staff.

Annex 5

DECLARATION
concerning the holding of elective public office
or of high political office
(Article 15(2) of the Staff Regulations and Articles 11 and 81 of the Conditions of
Employment of other Servants)

'An official elected or appointed to public office shall immediately inform the Appointing Authority. The Appointing Authority shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the official is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the official's term of office.'

I. APPLICANT (official/other servant)

SURNAME and forename:

Personnel No:

Office address (place, building, office):

Telephone number:

Give full details of:

- the nature of the office held (Member of Parliament, Member of the European Parliament, local authority elections, etc):
- the country and place of the election:
- the date upon which office is to be taken up, and the length of the term of office:
- likely monthly remuneration:

Date:

Applicant's signature

II. APPROVAL OF APPLICANT'S DIRECTOR-GENERAL¹

Date:

Signature:

To be forwarded to the Personnel and Career Management Unit in Luxembourg for further action and inclusion in the individual's personal file.

¹ SG of a political group in the case of a seconded official/temporary servant of that group, Head of the President's/SG's Private Office in the case of Private Office staff.

Annex 6

REQUEST FOR PRIOR AUTHORISATION
to publish matter dealing with the work of the Communities
(Article 17a(2) of the Staff Regulations and Articles 11, 54 and 81 of the
Conditions of Employment of Other Servants)

'Without prejudice to Articles 12 and 17, an official who intends to publish or cause to be published, whether alone or with other, any matter dealing with the work of the Communities shall inform the Appointing Authority in advance. Where the Appointing Authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Communities, the Appointing Authority shall inform the official of its decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the Appointing Authority shall be deemed to have had no objections.'

I. APPLICANT (official/other servant)

SURNAME and forename:

Personnel No:

Office address (place, building, office):

Telephone number:

Publication (attach the full text and give a brief summary of the text to be published):

Name and address of journal, magazine or publisher:

Amount of the remuneration or fee received in connection with the publication:

Date:

Applicant's signature:

II. OPINION OF APPLICANT'S DIRECTOR-GENERAL¹

Is the document to be published liable to prejudice the interests of the Communities?

YES

NO

If the answer is 'yes', give reasons:

Date:

Signature:

To be forwarded to the Personnel and Career Management Unit in Luxembourg for further action and inclusion in the individual's personal file

¹ SG of a political group in the case of a seconded official/temporary servant of that group, Head of the President's/SG's Private Office in the case of Private Office staff.