



Guide on Ethics and Good Conduct for the Ombudsman's Staff¹

The objective of the Guide on Ethics and Good Conduct is to set out and clarify what is expected in the professional conduct of staff working for the Ombudsman, to raise awareness of ethical issues that the staff may encounter and to provide guidance in identifying, preventing and handling such issues.

This guide replaces the guidelines on ethics and good conduct adopted on 12 December 2012. The new guide is not meant to be an exhaustive compilation of all ethical issues that may arise and should thus be read in conjunction with a number of other related policies already adopted or to be adopted by the Ombudsman².

1. General principles

1.1 Overall commitment

In carrying out its mission *to serve democracy by working with the institutions of the European Union to create a more effective, accountable, transparent and ethical administration*, the European Ombudsman's Office is committed to the highest ethical standards and to remain independent at all times.

Staff members should therefore adhere to these standards and conduct their professional relationships with colleagues, the hierarchy and external stakeholders accordingly.

In general terms, staff members should pursue, in all their actions, the values and objectives of the Office and refrain from any action or behaviour that might reflect adversely on their position.

This means that the conduct of staff inside or outside the Office must be exemplary and not bring the European Ombudsman's Office or the European civil service into disrepute.

¹ For the purposes of this guide, all references to staff should be understood as applying to officials, temporary and contract agents, seconded national experts and trainees.

² Policies on whistleblowing, prevention of harassment, speaking engagements, external activities, and exercise of an occupational activity after leaving the service of the European Union.



1.2 Professionalism

“Professionalism” refers to a style of behaviour in all work-related activities, which, by being honest, diligent, responsible, efficient, open, cooperative, proactive and courteous, consistently delivers high quality service to the public³.

Key message

Staff of the European Ombudsman have a responsibility to:

- Perform their tasks honestly, diligently and responsibly, in accordance with the applicable laws and rules, in particular the:
 - Staff Regulations;
 - Financial Regulation;
 - Statute of the European Ombudsman;
 - European Code of Good Administrative Behaviour;
 - Public Service Principles;
 - European Ombudsman’s Internal Charter of Good Practice;
 - European Ombudsman’s Charter of Good Management Practice; and
 - internal rules adopted by the European Ombudsman.
- Be transparent and respond to requests from the public within a reasonable time and in compliance with the applicable rules, in particular the Implementing Provisions of the European Ombudsman, the European Code of Good Administrative Behaviour and the provisions on data protection;
- Ensure that the resources under their responsibility or control are used as efficiently as possible in the best interests of the service and the European Union;
- Cooperate with all colleagues by providing appropriate help and advice in the performance of their tasks. Staff shall also be receptive to advice received from colleagues, without however compromising their specific tasks and responsibilities;
- Ensure that their time management and the scheduling of their work leave sufficient time for everyone else involved to carry out their operations or tasks;
- Continually seek to improve their skills, efficiency and the quality of their work. Together with their superiors, they shall identify the professional training in which they shall participate and which will improve their ability to perform their tasks;
- Immediately inform their managers if they consider that they do not have the necessary knowledge or know-how to perform the tasks which have been, or are intended to be, entrusted to them;
- Comply with the Office’s environmental protection policy.

³ Article 55(1), Staff Regulations.



1.3 Confidentiality

The Ombudsman is committed to the principles of openness and transparency. However, the Ombudsman is called upon to process certain information, which is validly considered to be confidential (for example, the Ombudsman may obtain personal data of third parties). For this reason, all staff formally undertake to comply with the obligation of professional discretion by signing a confidentiality commitment upon recruitment and, where relevant, upon return from leave on personal grounds.

Upon termination of their activity, staff should be aware that they are still bound by the obligation of confidentiality and to protect any confidential information that has come to their knowledge in the course of their work.

Key message

Staff of the European Ombudsman have a responsibility to:

- **Not** disclose, without authorisation, confidential information they have received in the course of their work, it being understood that information that has already been made public or is accessible to the public is normally not confidential⁴;
- Abide by the obligation of confidentiality even after leaving the office.

2. Integrity and transparency

2.1 Avoidance of conflicts of interest

The overriding idea behind avoiding any conflict of interest, or even the appearance of a conflict of interest, is to avoid improper influence on decision-making and avoid possible accusations of bias and partiality in the decision-making process.

2.1.1 Dealing with conflicts of interest

Article 11a (1) of the Staff Regulations establishes an obligation for all staff to identify and inform the Appointing Authority of any situation of conflict of interest that may arise in the performance of duties.

A conflict of interest exists where the staff member has personal connections and interests, such as family connections or financial interests, which may, in any way, affect or influence the work-related decisions of the staff member.

Besides family connections (including spouses, partners, parents, children, siblings and the extended family) and financial interests (including share holdings and property ownership) a conflict of interest may arise because of strong bonds of loyalty to a defined person or group, such as friendship, active

⁴ Article 17, Staff Regulations.



membership of political or social groups, and recent employment or business partnership.

Besides situations where a conflict of interest is readily identifiable, there may also be situations where at least an appearance of a conflict of interest exists. An appearance of a conflict of interest may occur where (possibly incomplete) information in the public domain relating to the personal interests of the official, and/or the official's responsibilities at work, could lead an observer to have reasonable doubts about the independence of the staff member. Even appearances of a conflict of interest must be avoided because they cast doubt on the official's impartiality and integrity and can cause reputational damage to the staff member and the Office of the European Ombudsman.

As a rule, staff members may not, during the performance of their duties, deal with any matter in which they have a direct or indirect personal interest that may compromise their independence and, by extension, the Ombudsman's interests.

In addition, staff members should take the initiative of informing their hierarchy immediately of any *potential* issue giving rise to a conflict of interest. A staff member should thus communicate to the administration any situation where they believe that a conflict of interest, or an appearance of a conflict of interest, has arisen and take measures to avoid such situation occurring in the first place. To implement this proactive approach, for example, a staff member needs to declare all interests when joining the Ombudsman's Office, so as to allow the hierarchy to allocate to the staff member tasks which have no connection with those interests.

In case of doubt, staff members may obtain the advice of someone not directly involved and/or contact the Ethics Officer(s).

Furthermore, in addition to the general obligation under the Staff Regulations⁵, staff members may not, for a period of **one year** following their recruitment, deal with a complaint or inquiry, or a tender or other procedure, in which they were involved or had a direct or indirect interest in their previous employment.

Again, in addition to the general obligation under the Staff Regulations, any incoming staff from other EU institutions, bodies, offices or agencies who draft, or are part of the approval circuit for inquiries, must not, for **one year**, deal with cases involving their former DG, department, division or equivalent. This 'cooling off period' on cases is **two years** for senior staff (i.e. Directors, Secretary-General, and Head of Cabinet).

The above time lines may be adjusted in exceptional cases, with approval of the Ombudsman.

⁵ Article 11a, 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.



Key message

Staff of the European Ombudsman have a responsibility to:

- Promptly report any private or other interest that could interfere with their ability to carry out their tasks objectively and independently;
- Take swift action to address any conflicts of interest or appearances of conflicts of interest;
- If a staff member has concerns that a conflict of interest may arise, the staff member should report the circumstances and take swift action to remedy the situation;
- Comply with the relevant cooling off period;
- Ask for advice from their superiors and/or the Ethics Officer(s) in the event of any doubt as to how to proceed with regard to conflicts of interest.

2.1.2 Demonstrating impartiality and integrity

Staff of the European Ombudsman should demonstrate impartiality and integrity in their official conduct with colleagues, the hierarchy and external stakeholders.

Key message

Staff of the European Ombudsman have a responsibility to:

- Ensure that procedures giving rise to comparative evaluations, such as public procurement procedures, recruitment and staff reports, are based solely on objective criteria;
- **Not** use information made available to them for the performance of their tasks for personal gain or in contravention of the law or in a way which would prejudice the ethical and legitimate objectives of the Office or of the European Union;
- **Not** take part in activities, nor establish relations, nor otherwise behave in a way that might compromise or risk compromising the image, objectivity or integrity of the Office.

2.2 Gifts, favours and donations

In accordance with Article 11 (2) of the Staff Regulations, in the performance of their duties, staff members shall not accept gifts, favours or donations from any



source without obtaining prior permission from the Secretary-General and/or the Ombudsman.

As a general rule, it is recommended that staff members decline all gifts, with more than merely symbolic value (such as diaries, calendars, small desk items), or that go beyond the customary diplomatic hospitality (such as a book, a bottle of wine, chocolates).

Staff members who wish to accept a gift from an outside source with a value higher than 50 EUR, must obtain explicit permission from the Secretary-General and/or the Ombudsman. This also applies to cases where staff wish, or are offered to, donate a gift to charity.

In deciding on whether to authorise the acceptance of a gift, the Secretary-General and/or the Ombudsman will consider the motive behind offering the gift, favour or donation and the possible consequences for the institution's interests. The Secretary-General and/or the Ombudsman may authorise a staff member to accept the gift, favour or donation if its value is less than or equal to 250 EUR. More expensive gifts may be retained as Ombudsman property, or donated by the Ombudsman to charity.

Staff must always behave with complete transparency vis-à-vis their hierarchy in such matters and should avoid any embarrassing situations where accepting an invitation could be perceived, by a reasonable person, as impairing their independence or impartiality, and where, consequently, a reputational risk could arise.

Key message

Staff of the European Ombudsman have a responsibility to:

- **Not** accept anything which might compromise or risk compromising their professional judgement. They shall refuse any gifts from actual or potential tenderers and/or from contractors of the institution;
- Obtain explicit permission before accepting a gift of a value higher than 50 EUR;
- Ask for advice from their superiors in the event of any doubt as to how to proceed with regard to gifts, favours or donations.



2.3 Raising concerns

2.3.1 Careful analysis and dialogue

The first step when confronted with a potential misconduct by a colleague is to make sure that there is a wrongdoing. Cultural differences and misunderstandings in an international environment like the EU institutions should not be underestimated.

If, after this assessment, a staff member is still convinced that a colleague might be involved in an inappropriate conduct, he or she is advised to raise the matter with the person concerned as it may be the case that the person is not aware of the inappropriate nature of his/her actions.

The staff member may also consider 1) discussing the matter with his/her Head of Unit or the Secretary-General, who might be better placed to conduct further dialogue, or 2) drawing it to the attention of the Ethics Officer(s).

If this approach does not help, it might be necessary for the Administration, in serious cases, to conduct more formal investigations.

2.3.2 Whistleblower protection

Staff members play an essential role in helping the institution identify, address, and ultimately deter breaches of the principle of integrity. The Ombudsman has adopted rules to enable whistleblowers to fulfil their duty to speak up if they become aware of serious misconduct or wrongdoing within the Office. These rules will be complemented by guidelines on how to report irregularities ('blow the whistle').

Key message

Staff of the European Ombudsman have a responsibility to:

- **Not** remain silent in the event of any doubt as to other people's behaviour or respect for the principles set out above, but make known their doubts to the colleagues concerned, or to their superiors;
- Cooperate fully with all bodies and persons responsible for monitoring their activities, whether internal or external to the institution.



3. Implementation and review

All staff members should apply the principles set out in this guide.

Staff members holding management positions are responsible for ensuring that the guidance is properly observed and followed in their teams and areas of responsibility.

The present guide and all other related guidance, rules, decisions and forms are available in a dedicated "Ethics" section of the Ombudsman's intranet.

The Ethics Officers are responsible for ensuring that this guide is reviewed regularly and updated, as necessary.

Emily O'Reilly

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