



ALTER-EU contribution to the public consultation on the draft statement of public service principles for EU civil servants

13 May 2011

Dear European Ombudsman,

ALTER-EU welcomes the initiative to draft a statement of public service principles for EU civil servants. We agree that such a set of principles could help "promote good administration and make maladministration less likely to occur."

The statement, the introduction clarifies, "is intended to complement existing instruments" (such as the Staff Regulations) and "help civil servants to focus on the spirit in which they should apply the detailed internal rules of EU institutions governing matters such as the acceptance of gifts and conflicts of interest".

ALTER-EU: Our view is that the EU institutions at this point in time do not have sufficiently clear and detailed internal rules on conflicts of interest. ALTER-EU has for several years advocated a review of the Staff Regulations to ensure clear rules that avoid conflicts of interest, for instance related to post-employment choices of Commission and EU agency officials. The European Commission, it seems, has chosen a soft approach rather than clear, detailed rules. ALTER-EU will continue to advocate improvements in the Staff Regulations, particularly a cooling-off period of several years for Commission officials going through the revolving door into jobs that involve lobbying.

ALTER-EU's other comments are below.

Public service principles that should guide EU civil servants

Commitment to the European Union and its citizens

Civil servants should be conscious that the Union's institutions exist in order to serve the interests of the Union and of its citizens.

ALTER-EU: In fact, the Lisbon Treaty makes a commitment to sustainable development and implies a clear responsibility for protecting the interests of people and the environment around the world. It says that the Union "shall contribute to the peace, security [and] sustainable development of the Earth" (article 2).

They should make recommendations and decisions only to serve these interests, not for any other purpose.

ALTER-EU: Civil servants should actively pursue greater democratisation of EU decision-making processes, including by empowering the engagement of EU citizens' and public interest groups. For example, article 11 of the Lisbon Treaty requires the EU institutions to give "citizens and representative associations the opportunity to make known and publicly exchange views" in "all areas of EU action". Article 11.1 expressly requires "open, transparent and regular dialogue with representative associations and civil society".

Civil servants should carry out their functions to the best of their abilities and aim to set a good example to others.

Integrity

Civil servants should conduct themselves at all times in a manner that would bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law.

Civil servants should not place themselves under any financial or other obligation that might influence them in the performance of their functions. They should declare any private interests relating to their functions.

ALTER-EU: We strongly support this principle.

Civil servants should take steps to avoid conflicts of interest and the appearance of such conflicts. This obligation continues after leaving office.

ALTER-EU: In addition to strictly following the rules and procedures of the EU institutions, civil servants should refrain from moving into jobs that create conflicts of interest, for instance lobbying jobs for a period of several years. They should under no circumstances enter negotiations about such jobs while still in public office.

In claiming expenses and allowances, civil servants should be guided by a sense of propriety, rather than seeking to maximise their benefits.

Objectivity

Civil servants should be open-minded, guided by evidence, and willing to hear and encourage the articulation of different viewpoints. They should be ready to acknowledge and correct mistakes.

ALTER-EU: Civil servants should avoid granting privileged access to EU decision-making and the 'regulatory capture' that can result. This includes always ensuring that a diverse range of interests and viewpoints are pro-actively consulted, including those in society that will be directly and indirectly affected by the regulation.

The dangers of regulatory capture became clear during the financial crisis, where the regulation of financial markets proved to be inadequate, at least partly as a result of the highly unbalanced composition of European Commission advisory groups for regulations in this field.¹ Similarly in the case of the EU's agrofuels policies, the misguided approach of consulting only with proponents of large-scale agrofuels imports (particularly those benefiting commercially) led to a dramatic case of policy failure.

To avoid undue industry influence, civil servants must actively defend public-interest concerns against the constant pressure from numerous, well-resourced commercial lobbyists.

In procedures involving comparative evaluations, civil servants should base recommendations and decisions only on merit and any other factors expressly prescribed by law.

Civil servants should not allow the fact that they like, or dislike, a particular person or organisation to influence their professional conduct.

Respect for others

Civil servants should act respectfully to each other and to citizens. They should be polite, helpful, and co-operative.

Transparency

Civil servants should be willing to explain their activities and to give reasons for their actions.

ALTER-EU: They should report on the legislative footprint of a proposal so that the general public can understand who has tried to influence legislation, which specific inputs civil servants considered valuable (or not), and why.

They should welcome and act to enable public scrutiny of their conduct, including their compliance with public service principles.

ALTER-EU: Rules around access to information and other transparency provisions must be interpreted and implemented in a way that is optimally beneficial for citizens and their right to know.

Civil servants must respect and act to implement the presumptive right of citizens to know about how the EU takes its decisions, including about the role of lobbyists and other outside interests. Pro-active transparency is an essential element of this, including publishing online lists of all meetings with all external groups.

¹ For more information see: <http://www.alter-eu.org/documents/2011/01/10/statement-on-the-new-framework-on-expert-groups>

For further information on the issues raised in this submission please contact:

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