

Comments of the Commission on a request for information from the European Ombudsman

- Own initiative inquiry “How the European Commission dealt with third parties paying for work travel and hospitality for its staff members and whether potential conflicts of interest were mitigated” OI/1/2024/KR

The present document contains in attachment the information requested by the European Ombudsman in her letter of 2 February 2024 relating to the opening of the own initiative inquiry on how the European Commission dealt with third parties paying for work travel and hospitality for its staff members and whether potential conflicts of interest were mitigated (OI/1/2024/KR).

The attachment provides a descriptive list of missions carried out by senior officials, from 2021 to 7 March 2023, for which third countries or any type of “private interests” covered at least partially some costs (i.e., accommodation or travel). The private interests listed include NGOs, Think Tanks, professional associations, foundations, and a limited number of companies, mainly publishing houses of academic journals and conference organisers. The list provides the following details: mission order number, name and function of the mission performer, dates of the mission, purpose, mission organiser as well as the category of the organiser. As it falls outside the scope of the request, we have not included in our list missions for which costs were at least partially covered by Member States, universities or international organisations or fora.

The provided information contains personal data. Even if anonymised, given the extremely limited number of reported missions, the involved physical persons could still be identified. Therefore, the Commission asks the European Ombudsman not to disclose the data provided in the attachment.

The Commission would like to recall that, as a rule, its staff members’ mission costs (costs for staff’s business travels) are almost always covered by the EU budget. However, under specific conditions, some or part of these expenses, which would otherwise be paid entirely from the EU budget, may be covered by third parties (notably organisers of events attended by mission performers). This is provided for in the 2017 Commission decision “Guide to missions”. Acceptance of such contributions is mainly for diplomatic or courtesy usage and is declared as part of the mission order and cost statement by the mission performer, which are signed by the hierarchical superiors, and hence subject to a ‘two pairs of eyes’ control. Both the mission performer and the hierarchical superior must confirm the absence of any conflict of interest when accepting such third-party contribution. The number of business trips with third party’s contributions represents an extremely small portion of all business trips undertaken by Commission staff.

In the past, Directors-General were able to sign off on their own missions, as they are responsible for their respective services’ budget. However, this rule was without prejudice to the general obligation to declare any personal interest such as to impair an official’s independence or more generally, in case of doubt, to seek an opinion of the political level

based on the horizontal rule on avoidance of conflicts of interest enshrined in the Staff Regulations.

The Commission would also like to recall that on 7 March 2023, it strengthened the rules applicable to missions with immediate effect to ensure the respect of the two pairs of eyes principle at each level, i.e., also for Directors-General and Heads of Service, with the aim of eliminating not only any real or potential conflict of interest but also any perception thereof. Since that date, Directors-General and Heads of Service must always demonstrably consult the Head of Cabinet of the Commissioner of their policy area, when signing off on their own missions, if costs are covered partially or in full by third parties.

Moreover, since that date, third parties' contributions to mission costs that may be accepted have been limited to a restricted list: EU Member States, EEA and EFTA countries, international organisations, or fora, such as the UN, G20/G7, as well as public and private universities when the mission is for academic purposes.

The Commission noted with satisfaction the European Ombudsman's conclusion in her Closing Note of the Strategic Initiative SI/2/2023/KR that the Commission's rules updated on 7 March 2023, "if applied diligently, these rules will prevent third party contributions for business trips giving rise to conflicts of interest".

The Commission looks forward to the collaboration with the European Ombudsman's office in the framework of the present inquiry.