



Position on the proposed public service principles for EU civil servants April 2011

Background

The EU Ombudsman is consulting on a set of principles to apply to EU civil servants. The Ombudsman states: "The statement has been drafted with a view to making clear certain fundamental values, which the behaviour of EU civil servants should reflect. By setting out those values clearly, the statement aims to promote citizens' trust in the European civil service and the EU institutions that it serves".

<http://www.ombudsman.europa.eu/en/resources/otherdocument.faces/en/10111/html.bookmark>

SEAP is committed to ensuring high ethical standards in public affairs; promoting transparency and openness in EU decision-making; acting as the voice of the profession to the EU institutions; providing a forum for public affairs professionals to meet; and ultimately contributing to the making of EU law and policy that is fit for purpose.

SEAP's Code (see below) sets out the ethical standards that SEAP members must observe when making representations to the EU institutions. Each SEAP member must participate in training on the Code and endorse it as part of the organisation's membership requirements.

While SEAP is committed to a self-regulatory approach in the field of public affairs, it has worked closely with the European Commission in recent years in the development of the European Transparency Initiative and Register. SEAP members who register are asked to declare in their registration that besides the EC/EP's joint Code of Conduct, they are also bound by SEAP's stricter Code.

SEAP therefore applauds the initiative of the Ombudsman and welcomes the opportunity to comment on the draft principles.

SEAP comments

The first key question is that of scope. Is it intended to exclude Members of the European Commission i.e. Commissioners? If so why?

The second key question is that of sanctions. What happens when the civil servant fails to meet the principles? Will failure to meet a principle be considered by the Ombudsman in upholding a complaint?

Detailed comments on the text follow.

Ombudsman draft	SEAP suggested change	Justification
Public service principles that should guide EU civil servants*	Clarification of who is outside the definition	If Commissioners are excluded this must be clear.
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. They should make recommendations and decisions only to serve these interests, not for any other purpose.		
Civil servants should carry out their functions to the best of their abilities and aim to set a good example to others.	Civil servants should carry out their functions to the best of their abilities and strive to meet the highest ethical standards at all times.	"best of abilities" needs to be linked with ethics.
	Civil servants should be conscious of their position of public trust and set a good example to others.	"Abilities" and "example" are different concepts and should be separated. Although "trust" is mentioned in the preamble it does not appear in the principles.
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.	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 in a timely manner.	Conflicts often have a time component to them.
Civil servants should take steps to avoid conflicts of interest and the appearance of such conflicts. This obligation continues after leaving office.	Civil servants should avoid any professional conflicts of interest and the appearance of such conflicts; disclose such conflicts when they occur; and take swift action in order to resolve any conflict which arises. This obligation continues after leaving office. Civil servants should therefore allow for one year between leaving office and taking up a paid activity that	This is a key principle and should be more explicit. Action to resolve a conflict is key to making this principle effective. The issue is typically most relevant immediately after an official leaves office and is an area where past criticism has

In claiming expenses and allowances, civil servants should be guided by a sense of propriety, rather than seeking to maximise their benefits.	may have a conflict or an appearance of a conflict.	been made. A clearer guideline is required.
Objectivity Civil servants should be open-minded, guided by evidence, and willing to hear different viewpoints. They should be ready to acknowledge and correct mistakes.		
In procedures involving comparative evaluations, civil servants should base recommendations and decisions only on merit and any other factors expressly prescribed by law.	In procedures involving comparative evaluations, civil servants should base recommendations and decisions only on merit, expertise and any other factors expressly prescribed by law.	Merit is sometimes harder to assess than expertise.
Civil servants should not allow the fact that they like, or dislike, a particular person 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. They should welcome public scrutiny of their conduct, including their compliance with public service principles.	Civil servants should be willing to explain their activities and to give timely reasons for their actions. They should welcome public scrutiny of their conduct, including their compliance with public service principles and accept related recommendations of the Ombudsman.	An explanation two years later does not engender trust. Compliance needs to be part of the principles to make them effective.
* 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".		If Commissioners are excluded this must be made explicit.

Society of European Affairs Professionals (SEAP*) Code of Conduct

RECOGNISING that European affairs professionals are a vital part of the democratic process, acting as a link between on the one hand business and civil society, and on the other, European policy makers;

RECOGNISING that European affairs professionals must observe the highest ethical standards;

RECOGNISING that the principles laid down in this code of ethical conduct provide a benchmark for all European affairs professionals;

And therefore, European affairs professionals when making representations to the EU institutions shall:

Article 1 – Integrity

- (1) act with honesty and integrity at all times, conducting their business in a fair and professional manner;
- (2) treat all others, including colleagues, competitors, and staff, officials or members of the EU institutions – with respect and civility at all times;
- (3) not exert improper influence on, nor offer to give, either directly or indirectly, any financial inducement to staff, officials or members of the EU institutions.

Article 2 – Transparency

- (1) maintain the highest standards of professionalism in conducting their work with the EU institutions;
- (2) be open and transparent in declaring their name, organisation or company, and the interest they represent;
- (3) neither intentionally misrepresent their status nor the nature of their inquiries to the EU institutions nor create any false impression in relation thereto.

Article 3 - Accuracy

- (1) take all reasonable steps to ensure the truth and accuracy of all statements made or information provided by them to the EU institutions;
- (2) not disseminate false or misleading information either knowingly or recklessly; exercise proper care to avoid doing so inadvertently and correct any such act promptly;
- (3) not obtain any information from the EU institutions by illicit or dishonest means.

Article 4 – Confidentiality

- (1) honour confidential information and embargoes and always abide by the rules and conventions for the obtaining, distribution and release of all EU documentation;
- (2) not sell for profit to third parties copies of documents obtained from the EU institutions.

Article 5 – Conflicts of interest

- (1) avoid any professional conflicts of interest;
- (2) disclose such conflicts when they occur to those whose interests are concerned;
- (3) take swift action in order to resolve any conflict which arises.

Article 6 – Former EU personnel

- (1) only employ personnel from EU institutions subject to the published rules and confidentiality requirements of those institutions.

Moreover SEAP members shall:

Article 7 – Compliance

- (1) cooperate fully with fellow members in upholding this code and its procedures;
- (2) not engage in any practice or conduct that could be in any way detrimental to the reputation of SEAP;
- (3) in preference refer to the SEAP code of conduct when they register under the Commission's register of interests and inform the SEAP secretariat of this reference;
- (4) notify the SEAP secretariat of any challenge related to the Commission's register of interests;
- (5) accept that SEAP can apply a range of sanctions in case of non-compliance demonstrated under the SEAP code complaints procedure;

Adopted by the SEAP General Assembly in 1997 and last amended 20th January 2009 by written procedure.

About SEAP

SEAP is the Society of European Affairs Professionals established in 1997. It is the recognised organisation of all EU public affairs professionals including those operating in trade associations, corporations, consultancies and other representative bodies. SEAP encourages the highest standards of professionalism for European affairs activity and promotes self-regulation of the profession. For more see www.seap.be