

**COMMUNICATION ON THE PUBLICATION OF INFORMATION
CONCERNING THE PROFESSIONAL ACTIVITIES OF FORMER SENIOR
OFFICIALS AFTER THEY HAVE LEFT THE SERVICE**
Article 16, third and fourth paragraphs, of the Staff Regulations

2016 Annual Report

1. Introduction: Regulatory framework

Under Article 16 of the Staff Regulations, after leaving the service officials continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of appointments or benefits. Former officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service must inform their institution of that intention, so that the latter can take a decision in full knowledge of the facts and, as appropriate, ban the former official concerned from undertaking the activity or give its approval subject to any conditions it thinks fit.

Under the third paragraph of Article 16, the appointing authority in principle bans former senior officials, during the 12 months after they leave the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution on behalf of their business, clients or employers on matters for which they were responsible during their last three years in the service.

The fourth paragraph of Article 16 stipulates that, in compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council, each institution must publish on an annual basis information on the implementation of the third paragraph, including a list of the cases assessed.

These provisions apply, *mutatis mutandis*, to temporary staff members from the political groups, under Article 11 of the Conditions of Employment of Other Servants of the European Union.

The criteria Parliament has employed in meeting this requirement and in making its assessments are set out below. An annex to this publication contains a summary of the decisions taken.

The legal basis for the publication is the fourth paragraph of Article 16 of the Staff Regulations in conjunction with Article 5(a) and (b) of Regulation (EC) No 45/2001.

2. Method and criteria used in implementing the third paragraph of Article 16 of the Staff Regulations

Declarations by former senior officials concerning a proposed occupational activity are dealt with in the same way as any declaration submitted by any staff member. The Directorate-General for Personnel receives the declaration and consults the department(s) in which the former official worked during the last three years of their service, the Joint Committee and, if necessary, the Legal Service. On that basis, a decision is taken as to whether a declaration falls within the scope (personal, temporal and material) of the third paragraph of Article 16 of the Staff Regulations.

Personal scope (ratione personae)

Staff members who occupied one of the following posts, including on an interim basis:

Secretariat of the European Parliament

- Deputy Secretary-General
- Director-General
- Director

Political groups

- Secretary-General
- Deputy Secretary-General
- Principal adviser
- Director

Temporal scope (ratione temporis)

The third paragraph of Article 16 of the Staff Regulations refers to an outside activity exercised by former senior officials ‘during the 12 months after leaving the service’.

That is the period, therefore, which needs to be taken into account for the purposes of the publication provided for in the fourth paragraph of Article 16.

Material scope (ratione materiae)

The activities covered by the third paragraph of Article 16 of the Staff Regulations are lobbying or advocacy vis-à-vis staff of the institution which the former senior official worked for, on behalf of their business, clients or employers, on matters for which they were responsible during the last three years in the service.

Parliament does not confine its assessment to proposed activities whose sole or main purpose is lobbying or advocacy. In the context of the third paragraph of Article 16 of the Staff Regulations, it also considers activities which, although they do not involve lobbying or advocacy at the time the declaration is submitted, could in practice or in theory do so in the future.

3. Specific cases

This communication concerns activities which were declared and actually engaged in by the former officials in question.

In 2015, Parliament received no requests from former senior officials for authorisation to engage in outside activities.

This report thus covers the cases on which the appointing authority took a decision in 2016.

In 2016, two former senior officials declared an intention to engage in an occupational activity.

Both left Parliament in 2016; their requests for authorisation to engage in an occupational activity were thus submitted within 12 months of their leaving the service.

Neither of the two declarations falls within the scope of the third paragraph of Article 16 of the Staff Regulations, because the proposed activities are of a scientific and/or academic nature and involve, more specifically, research and lecturing.

These activities do not have lobbying or advocacy as their sole or main purpose. Furthermore, by virtue of their nature these activities cannot in future, in practice or in theory, involve or give rise to lobbying or advocacy as referred to in the third paragraph of Article 16 of the Staff Regulations.

In 2016, therefore, no former senior official declared an intention to engage in outside activities which, by virtue of their nature, could have involved or given rise to lobbying or advocacy as referred to in the third paragraph of Article 16 of the Staff Regulations.

This information is published in accordance with the fourth paragraph of Article 16 of the Staff Regulations.