

A collage of three circular images: a person painting a small object, a man presenting to a group of people in a meeting room, and hands holding a small white bowl. The text "OUTSIDE ACTIVITIES" is overlaid in large white letters with a yellow starburst effect.

OUTSIDE ACTIVITIES

FAQs

New Commission Decision on outside activities and assignments and on occupational activities after leaving the Service

How to use these FAQs?

- These FAQs are there to **answer the most frequent questions** staff may ask about the new Commission Decision on outside activities and assignments and on occupational activities after leaving the Service and aim at **providing guidance on the basis of concrete examples**.
- You will find **general information** on this new Commission Decision in the **Administrative notice**.
- In the FAQs, we use **the term “the Decision”** to refer to the new Decision on outside activities and assignments and on occupational activities after leaving the Service **that entered into force on the 29th June 2018**.
- Do not hesitate to **contact the central ethics team** (HR-ETHICS@ec.europa.eu) should you have **any further questions or doubts as to whether your activity is subject to a prior authorisation or information of the appointing authority**.

All the provisions of the Decision **shall start to apply** to all outside activities, assignments and occupational activities after leaving the service, whether new or extended, that will take place as of 1 September 2018.

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I. STAFF MEMBERS IN ACTIVE SERVICE OR STAFF MEMBERS SECONDED IN THE INTEREST OF THE SERVICE

PARTICIPATING IN ASSOCIATIONS

1. Member of an ornithological association

I am a staff member, dealing with competition cases, and I am fascinated in my private life by birds. In the weekends I sometimes wake up very early to spot birds in nature. I am a member of an association that is sometimes organizing free tours on the Belgian coast to watch birds. Do I need an authorisation?

Reply:

*Actually, hobbies or leisure activities **are not considered as outside activities** in the meaning of the Decision. Mere membership of an association is not considered as an outside activity either. The assessment could however be different if you were to be more than a simple member. This is not the case here. **Therefore, no authorisation should be requested.***

In any case, there seems to be no link between your duties and the private activities and thus no possible conflict of interest.

Legal basis:

*Article 12b of the Staff Regulations
Articles 1 and 4 of the Decision on outside activities*

2. President of a club – restoring historic steam trains

I'm an official and a couple of years ago I renewed with my former hobby of restoring historic steam trains. I'm the president of a club which prepares these trains to function again. This activity keeps me busy during the weekends. I'm considered to be a well-known expert in this field. Do I have to declare this activity?

Reply:

Hobbies or leisure activities are not considered as outside activities in the meaning of the Decision. However, as you are president of the club, you have a particularly active and prominent role that is

considered as an outside activity as it is considered to go beyond leisure or hobby.

There is clearly no conflict or overlapping interests between this activity and your work at the Commission. It does not compromise or appear to compromise your impartiality or objectivity as regards your duties and does not have a negative impact on the reputation and / or on the trustfulness of the institution.

*In addition, this activity is unpaid, and it is neither pursued in a professional or similar capacity nor performed for a commercial entity. It is performed outside your working hours. As a consequence, this activity **would fall in the category of activities for which prior permission is deemed to be granted** in the new Decision. Therefore, no authorisation should be requested.*

Legal basis:

*Article 12b of the Staff Regulations
Articles 1 and 4 of the Decision on outside activities*

3. Elected representatives of the Parents' Associations of the European Schools

I'm an elected representative of one of the Parents' Associations of the European Schools and I would like to know whether this is an outside activity for which I should request an authorisation? Am I entitled to special leave in order to attend meetings?

Reply:

If you are an elected representative of one of these associations, this would be considered as an outside activity, because you have a particularly active and prominent role in the association (contrary to a mere member).

In this case your commitment will hardly put your sense of impartiality or objectivity at risk as an official or lead to any personal advantage. On the contrary your involvement is beneficial to the functioning of European schools and is in the interest of the service. It would fall therefore in the category of activities for which prior permission is deemed to be granted and

therefore no request for prior authorisation needed.

As regards leave, as an elected representative of the Parents' Associations of the European Schools, you are entitled to a maximum of 4 days of special leave per civil year when you attend meetings organised by the Board of Administration of the School, the Governing Board of the European Schools or one of their sub committees.

Legal basis:

Article 12b of the Staff Regulations
Article 1 and 4 of the Decision on outside activities
Note of the Director general of DG ADMIN dated 6/02/2007 (Participation des représentants élus des Associations de Parents d'Elèves des Ecoles européennes aux réunions concernant les différentes instances des Ecoles européennes)

CHARITABLE AND HUMANITARIAN ACTIVITIES

4. Helping hand in a charity organisation

Once a year you take part in the organisation of the neighbourhood flea market. The proceeds go to an association that helps homeless people. The organization takes place outside working hours. Also, you often volunteer on your free time to distribute food to homeless people. Do you need to seek authorisation?

Reply:

These are clearly private activities with no impact on your work and no link to your functions. You are merely giving a helping hand without bearing particular responsibility in the organisation. This is not considered as an outside activity. The assessment could be different if your role was more than being a simple helper. You do not need to not ask for an authorisation.

Legal basis:

Article 12b of the Staff Regulations
Article 1 and 4 of the Decision on outside activities

5. Permanent position at the Red Cross (unpaid voluntary work)

I am the head of the Red Cross section in my town. I work there almost every weekend. I notably coordinate

the work of other volunteers and liaise with the national section. This activity is unpaid. Should I ask for an authorisation?

Reply:

Your involvement at the Red Cross is considered as an outside activity as it goes beyond simple leisure or hobby.

There is clearly no conflict or overlapping interest between this activity and your work in the Commission. It does not compromise or appear to compromise your impartiality or objectivity as regards your duties and does not have a negative impact on the reputation of and / or on public trust in the institution.

On top of this, the activity is unpaid or does not generate revenues, and it is neither pursued in a professional or similar capacity nor performed for a commercial entity. It is also performed outside your working hours.

As a consequence this activity would fall in the category of activities for which prior permission is deemed to be granted according to the Decision. Therefore, no authorisation need to be requested.

Legal basis:

Article 12b of the Staff Regulations
Article 1 and 4 of the Decision on outside activities

POLITICAL ACTIVITIES

6. Taking a position on the board of the local section of a political party

I am a member of a political party in Belgium. They are offering a position on the board of the local section in my town of residence. This would involve performing a number of tasks in the evenings or the week-end. Should I ask for an authorisation?

Reply:

Your involvement in this party is considered as an outside activity as it goes beyond being simple membership.

If the following conditions are met, this activity would fall in the category of activities for

which prior permission is deemed to be granted according to the Decision and no authorisation needs to be requested.

- ▶ it is performed outside the working hours agreed with the line manager of the staff member concerned or are covered by a duly approved leave or recuperation ;
- ▶ the impartial and objective performance of the staff member's duties is not compromised, or may not appear to be compromised in the eyes of third parties, because of interests which diverge from those of the institution;
- ▶ the outside activity or assignment has not a negative impact on the reputation and/or on the trustfulness of the institution;
- ▶ the other obligations laid down in the Staff Regulations are complied with.

However, we draw your attention to Article 15 of the Staff Regulations requiring staff members who intend to stand for public office or elected or appointed to public office to notify the appointing authority. In such case you are required to follow a specific procedure that is explained on MyIntraComm. There is no need to submit a request for an outside activity.

Moreover, officials have the right to freedom of expression, with due respect to the principles of loyalty and impartiality (article 17a of the Staff Regulations). Other relevant Staff Regulations obligations, such as Article 12 on the dignity of the function, continue to apply.

Legal basis:

Article 12b of the Staff Regulations
Article 1 and 4 of the Decision on outside activities

SPORT AND WELLBEING ACTIVITIES

7. Remunerated yoga classes

I have practiced yoga for long time and a sports club is now proposing that I give some remunerated yoga

classes at week-ends. Should I ask for authorization?

Will it be allowed?

Reply:

As this activity is paid and is performed for a commercial entity, you should ask for an authorisation.

Permission will be assessed on case by case basis by the Appointing Authority. In its assessment the Appointing Authority will check that the activity is not performed during the working hours and has no impact on the performance of the staff member's duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution.

In the case at stake, if these conditions are fulfilled, which seems prima facie to be the case, the Appointing Authority will give you permission to carry out your activity. Please make sure that you do not earn more than the annual maximum ceiling of 10 000 euros (as this is prohibited).

Legal basis:

Article 12b of the Staff Regulations
Articles 5 and 6 of the Decision on outside activities

PERSONAL AND FAMILY'S ASSETS AND FORTUNE

8. Management of the family fortune

I'm an official and I have inherited a company. I want to take care of my inheritance but I do not intend to engage in the day-to-day management of my assets. Do I need an authorisation?

Reply:

The assessment depends mainly whether you chose not to engage in the day-to-day management of your company.

In the present case, it is understood that you are not taking on any active managerial role in the company but are rather delegating or leaving this role to somebody else.

There should not be any conflict or overlapping interest between this activity and your work in the Commission. It should not compromise or appear to compromise your impartiality or objectivity as regards your duties and should not have a negative impact on the reputation and / or on the trustfulness of the institution.

If these conditions are fulfilled, managing your family fortune will fall in the category of activities for which prior permission is deemed to be granted. The annual maximum ceiling of 10 000 euros for outside activities does not apply in this case as your revenues are not considered as remuneration under the Decision.

Therefore, no authorisation needs to be requested. More generally the mere ownership of assets or holdings, or the management of a personal or family fortune, whether in a private capacity or as a shareholder of a company, but not running a business does not need to be declared as prior permission is deemed to be granted.

However, please remember that you should in any case comply with Article 11a (1) of the Staff Regulations forbidding staff from dealing with any matter in which they have a financial interest. More particularly, Article 11a (3) of the Staff Regulations states that an official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

Should you find yourself suddenly in an actual or potential conflict of interest situation, you need to inform immediately your hierarchy and your Appointing authority

immediately so that they can carry out a specific assessment of the situation and, if necessary, adopt adequate and proportionate measures in this respect.

Legal basis:

*Article 11a of the Staff Regulations
Article 12b of the Staff Regulations
Article 4 of the Decision on outside activities*

9. Renting my property

When coming to live in Brussels I rented out my private home in my country of origin. Do I need to declare this activity?

Reply:

Renting one's private home or secondary residence is clearly part of your private activities as landlord and is thus not regarded as running a business. To that extent, this is not considered as an outside activity. You do not need to ask for an authorisation.

You should in any case be aware of any fiscal requirements arising from the rental income.

Legal basis:

*Article 12b of the Staff Regulations
Article 4 of the Decision on outside activities*

10. Investing in shares

I am a DG COMP official and my bank proposes that I should invest 15 000 euros in shares of a company listed on the stock exchange. Should I declare that investment as an outside activity and ask for prior authorisation? Are there other ethical obligations I should comply with?

Reply

As such, the acquisition of shares does not constitute an outside activity and hence does not require permission.

However, you should in any case comply with Article 11a (1) of the Staff Regulations forbidding staff from dealing with any matter in which they have a financial interest. More particularly, Article 11a (3) of the Staff Regulations state that an official may neither keep nor

acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

This means that you have to check whether you are handling a case or otherwise taking part in a decision-making process (including through consultation) involving this company in which you could have a financial interest in the future, in order to avoid any conflict of interest. As Article 11a (3) only refers to an “interest of such kind or magnitude that might impair one’s independence in the performance of duties”, the Commission has a certain margin of discretion to determine whether the financial interest is substantial enough to give rise to a conflict of interest, depending on the circumstances of each case. The assessment whether a conflict of interest exists inevitably requires a case-by-case approach. Should you be in a situation of actual or potential conflict of interest as described in Article 11a of the Staff Regulations or have any doubt, please inform immediately your appointing authority through the ad hoc conflict of interest module in Sysper. (see if we can include a link)

Legal basis:

Article 11a of the Staff Regulations
Article 12b of the Staff Regulations
Article 4 of the Decision on outside activities

TEACHING ACTIVITIES AND CONFERENCES

11. Participating in a conference at the request of my service

Your hierarchy has asked you to take part in a conference that is linked to your field of competence at the Commission. You will run an information stand about the Commission activities, participate in a panel and give a speech on the latest developments in the EU regulatory framework in your domain. Do you need to seek authorisation for an outside activity in such a situation?

Reply:

These activities are part of your duties at the Commission and will be covered by a mission order. They are therefore not considered as outside activities.

Legal basis:

Article 1 of the Decision on outside activities

12. Paid teaching activities

I have been contacted by my former university to give European law classes. The University proposes to pay me a lump sum for every course I deliver. Should I ask for authorization? Will it be allowed?

Reply:

As this activity is paid, you should ask for an authorisation. Permission will be assessed on case by case basis by the Appointing Authority. In its assessment, the Appointing Authority will check (i) that the activity is not performed during the working hours or is covered by a duly approved leave or recuperation and (ii) that it has no impact on the performance of the staff member’s duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution.

In this case, if the conditions are fulfilled, which seems prima facie to be the case, the Appointing Authority will permit you to carry out the activity. Please make sure that you do not earn more than the annual maximum ceiling of 10 000 euros

Legal basis:

Article 12b of the Staff Regulations
Article 5, 6 and 7 of the Decision on outside activities

ACTIVITIES WHILE WORKING PART-TIME OR ON PARENTAL LEAVE

13. Paid activity while on structural part-time contract

I have been proposed a remunerated activity: looking after the young children of my neighbour twice per week. I have a contract with the Commission to work on a structural part-time basis. Can I accept this activity?

Reply:

As this activity is paid, you should ask in any case for an authorisation. As regards staff on structural part time, the Appointing Authority will in principle, give the permission to engage in an outside activity or assignment, whether paid or not.

The Appointing Authority, taking into account the above, will still check that the activity is not performed during the working hours and has no impact on the performance of the staff member's duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution.

Legal basis:

*Article 12b of the Staff Regulations
Article 10 of the Decision on outside activities*

14. Paid activity while on parental or family leave

I have been proposed a remunerated activity while on parental leave: translating a book from French to English. Can I accept this activity? Should I ask for authorisation?

Reply:

Staff members on parental (or family leave) may engage in unpaid outside activities only. Paid activities are prohibited. Paid activities for staff members on parental or family leave are allowed only if they benefit from a structural part-time contract or if it is required in the interest of the

service that they maintain their professional skills and/or upgrade their qualifications.

Legal basis:

*Article 12b of the Staff Regulations
Article 12 of the Decision on outside activities*

COMMERCIAL AND PROFESSIONAL ACTIVITIES

15. My second job

A new colleague in your unit wonders if she can work on IT projects as a self-employed person in her spare time. What would you advise your colleague?

Reply:

Paid outside activities or activities that generate revenues should be declared in any case.

This is also the case if they are pursued in a professional or similar capacity or are performed for a commercial entity.

As this activity will generate revenues and will be pursued in a professional capacity, you should ask for an authorisation. Permission will be assessed on a case by case basis by the Appointing Authority.

In its assessment the Appointing Authority will check that the activity is not performed during the working hours and has no impact on the performance of the staff member's duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution.

Whether the staff member would work exactly in the same field as at the Commission would be taken into account as it could give rise to an actual or perceived conflict of interest or at least to a reputational risk. Such a request would normally be refused in these circumstances.

Legal basis:

Article 12b of the Staff Regulations
Articles 4, 5 and 6 of the Decision on outside activities

16. Helping in the family bakery

My father is a baker in a village near Brussels, and I would like help him occasionally in the shop on Sunday morning. I would not get paid for it. Should I ask for an authorisation and would it be accepted?

Reply:

This activity should be notified even if you do not receive direct remuneration for it, because it is performed for a commercial entity. Therefore the Appointing authority should assess it on a case by case basis.

In its assessment the Appointing Authority will check that the activity is not performed during the working hours and has no impact on the performance of the staff member's duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution.

Since this activity has no link with the activities of Commission, is carried out in a purely private capacity, on an irregular basis, outside working hours and is unpaid, it is likely that it will be authorised.

Please make sure in any case to comply with legal requirements of the country where you work, notably with the relevant national labour and fiscal regulations.

Legal basis:

Article 12b of the Staff Regulations
Articles 4, 5 and 6 of the Decision on outside activities

17. Working every Saturday morning in my brother's shop

My brother owns a jewellery shop and suggests that I help him on Saturdays. I would get paid and would get a Belgian contract. Should I ask for authorization? Will it be allowed?

Reply:

As this activity is paid and performed for a commercial entity, you should ask for an authorisation.

Permission will be assessed on a case by case basis by the Appointing Authority. In its assessment the Appointing Authority will check that the activity is not performed during the working hours and has no impact on the performance of the staff member's duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution.

In the case at stake, if these conditions are fulfilled, which seems prima facie to be the case, the Appointing Authority will give you the authorization to carry out the activity. Please make sure that you do not earn more than the annual maximum ceiling of 10 000 euros as this is prohibited by the Decision.

Legal basis:

Article 12b of the Staff Regulations
Articles 4, 5, 6 and 7 of the Decision on outside activities

18. Managing the rental of properties of an acquaintance

I am asked by an acquaintance who owns 8 apartments in Brussels whether I can manage the rental of these apartments as he is currently living abroad. This includes publishing adds, signing contracts, solving day-to-day problem, being the only contact point for the tenants etc. In return I would get a small remuneration (i.e. less than € 200).

Should I ask for an authorisation and would it be accepted?

Reply:

As this activity is paid, even if the payment is not large, you should ask for an authorisation.

Permission will be assessed on case by case basis by the Appointing Authority. In its assessment the Appointing Authority will check that the activity is not performed during working hours and has no impact on the performance of the staff member's duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution.

In this case, if the conditions are fulfilled, which seems prima facie to be the case, the Appointing Authority will give you the authorization to carry out the activity. Please make sure that you do not earn more than the annual maximum ceiling of 10 000 euros as this is prohibited.

Legal basis:

*Article 12b of the Staff Regulations
Articles 4, 5, 6 and 7 of the Decision on outside activities*

19. Maintaining my professional skills

I have been offered a remunerated activity in a hospital that will help me to maintain my professional skills in the medical field in which I work at the Commission. Can I accept this activity? Should I ask for an authorisation?

Reply:

As this activity is paid and pursued in a professional capacity, you should ask for an authorisation.

Staff members shall in principle receive permission to exercise an outside activity or assignment, whether paid or not, if it is required in the interest of the service

that they maintain their professional skills and/or upgrade their qualifications.

Permission will be assessed on case by case basis by the Appointing Authority. In its assessment, the Appointing Authority, taking into account the above, will still check that the activity is not performed during working hours and has no impact on the performance of the staff member's duties. It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no conflict or overlapping interest between this activity and your work in the Commission and the activity is not detrimental to the reputation of the Commission.

The remuneration ceiling of € 10 000 does not apply for this activity.

Legal basis:

*Article 12b of the Staff Regulations
Article 11 of the Decision on outside activities*

20. Board of Advisors in an organisation in the same field of activity

A senior manager in your DG has been invited to become a member of the advisory board of a major European research organisation. Your DG works closely with this organisation, as its objectives are in line with EU policy. At the same time, the organisation regularly submits proposals for projects subsidised by EU funding to your DG. These proposals are in competition with projects from other players in this field. Does the senior manager need to seek authorisation? Will this activity be allowed?

Reply:

This is clearly an outside activity, especially if the colleague's participation is of a permanent nature. Even though the official is not asked to take a position himself directly on the project proposals, the acceptance could result in apparent conflict of interest, which must be avoided.

Permission will be assessed on case by case basis by the Appointing Authority. As the activity in question

seems clearly incompatible with the interests of the institution, because it could damage public trust in the neutrality and objectivity of the institution, the Appointing Authority will refuse it.

Legal basis:

Article 12b of the Staff Regulations
Articles 5, 6 of the Decision on outside activities

21. Managing the family farm in Belgium I have inherited

I'm an official and I have inherited land in Belgium as well as a family farm that I intend to manage effectively. Do I need an authorisation? Will it be allowed?

Reply:

As you manage effectively an agricultural exploitation, this is an activity that generates revenues and is pursued for a commercial entity. You should therefore ask for an authorisation. In its assessment, the Appointing Authority will check that the outside activity is not performed during the working hours and has no impact on the performance of the staff member's duties.

It will also check that the activity is not incompatible with the interests of the Commission, notably that there is no actual conflict of interest between this activity and your work in the Commission, that the activity is not detrimental to the reputation of the Commission and that it does not damage public trust in the neutrality and objectivity of the institution. The cases of a staff member involved in agricultural files will be screened with more attention.

If these conditions are fulfilled, this activity will be authorised.

The annual maximum ceiling of 10 000 euros for outside activities applies in this case. Please make sure that you do not earn more than the annual maximum ceiling of 10 000 euros as this is prohibited.

Legal basis:

Article 12b of the Staff Regulations
Articles 4, 5, 6 and 7 of the Decision on outside activities

II. STAFF MEMBERS ON LEAVE ON PERSONAL GROUNDS

CHARITABLE AND HUMANITARIAN ACTIVITIES

22. Voluntary work at the Red Cross during leave on personal grounds

I would like to head the local section of the Red Cross in my town during my leave on personal ground.

This is a non-remunerated activity. Should I ask for authorisation? Will it be allowed?

Reply:

Your involvement in the Red Cross is considered as an outside activity as it goes beyond simple leisure or a hobby.

This is any unpaid activity that has no link with the activities of the European Union. It is neither pursued in a professional or similar capacity nor performed for a commercial entity.

It is carried out in a purely private capacity, and is undertaken from time to time only. There is clearly no conflict or overlapping interest between this activity and your work in the Commission.

It does not compromise or appear to compromise your impartiality or objectivity as regards your duties and does not have a negative impact on the reputation and / or on the trust worthiness of the institution. As a consequence this activity would fall in the category of activities for which prior permission is deemed to be granted. Therefore no authorisation needs to be requested.

Legal basis:

Article 12b of the Staff Regulations
Article 15 of the Decision on outside activities

COMMERCIAL AND PROFESSIONAL ACTIVITIES

23. Employment in an audit firm during leave on personal grounds

I have worked as an auditor for 15 years in the Commission. An audit firm offer me a position in the same field of expertise. Should I ask for authorisation?

Will it be allowed?

Reply:

You should indeed ask for prior authorization.

This is a paid activity and it is pursued for a commercial entity.

Since this contemplated activity is related to the work you carried out, it could potentially lead to a conflict of interest or be incompatible with the interests of the institution. In that case, the appointing authority may authorise the activity in question subject to appropriate restrictions (or not grant such an authorization).

Legal basis:

Article 12b of the Staff Regulations

Article 15 of the Decision on outside activities

24. Lobbying the Commission during leave on personal grounds

During leave on personal grounds a public relations company offers me a position to lobby my former DG on matters related to my work at the Commission. Should I ask for authorisation? Will it be allowed?

Reply:

You should indeed ask for prior authorization.

This is a paid activity and it is pursued for a commercial entity.

According to the Staff Regulations, an official shall not be granted permission to engage in an occupational activity or assignment, whether gainful or not, which involves lobbying or advocacy vis-à-vis the institution and which could lead to a conflict of interest, or the possibility of such a conflict, with the legitimate interests of the institution.

In this case, there is at least an appearance of conflict of interest since you used to work on the issues about which you would lobby the Commission.

Therefore the authorisation request is unlikely to be granted.

Legal basis:

Article 12b of the Staff Regulations

Article 15 of the Decision on outside activities

25. Contemplating taking leave on personal grounds: do not forget the potential ad hoc conflict of interest

I am a DG COMP official and I am considering taking leave on personal ground to gain experience in competition law in a law firm or a legal department of a company in my home country. What kind of contacts can I have or commitments can I make with possible employers before getting the approval from the appointing authority for my outside activity during my leave? Do I have to declare these contacts as an outside activity? What if I am in contact with this law firm as part of my job as a case-handler in COMP?

Reply

The request for your outside activity covers your future work in a law firm or a company. Since this contemplated activity is related to the work you carried out, it could potentially lead to a conflict of interest or be incompatible with the interests of the institution. In this case, the appointing authority may authorise the activity in question while imposing appropriate restrictions (or not grant such an authorization).

The declaration you will make in order to request permission for the outside activity will in particular require you to confirm that, when negotiating the terms and conditions of the envisaged activity while still in the active employment of the Commission, you have complied with the provisions of Article 11a at all times

This means that even before you submit the request for the outside activity, when you negotiate with

your future employer and there is a link between your activities in DG COMP and the activities of your potential employer, you should alert your hierarchy and your Appointing Authority. You should indeed comply with Article 11a (1) of the Staff Regulations that forbids the staff member from dealing with any matter in which, directly or indirectly, he or she has any personal interest such as to impair his independence. This would for example be the case if you worked as a case-handler in a cartel case and then were in contact with one of the companies under investigation.

The Appointing Authority shall take any appropriate measure, and may in particular relieve you off your responsibilities in this matter in order to avoid any conflict of interest or potential confidentiality issues.

Please remember as well that you will remain bound during leave on personal ground as in active service by the obligation to refrain from unauthorised disclosure of information received in the line of duty, unless that information has been made public or is accessible to the public (Article 17 SR).

Legal basis:

Article 11a of the Staff Regulations
Article 12b of the Staff Regulations
Articles 15 and 17 of the Decision on outside activities

III. STAFF MEMBERS LEAVING OR HAVING LEFT THE COMMISSION SERVICE

EUROPEAN INSTITUTIONS OR BODIES

26. New contract agent position at the European Parliament

My contract at the Commission ends in one month. The European Parliament has offered me a contract agent position in two months. Should I inform the Commission of my intention to work for the Parliament?

Reply:

Following the entry into force of the new Decision, you do not have to inform the Commission in such a

case. This would also be the case if you would take an employment at any other European Union institution or body in the meaning of the Treaty on European Union and/or the Staff Regulations.

Legal basis:

Article 12b of the Staff Regulations
Article 20 of the Decision on outside activities

CHARITABLE ACTIVITIES

27. Setting up an association

I am retiring soon and would like to set up an association to fight against poverty in my home country. I will not get any remuneration. During the last three years I was a senior expert working in DG RTD in the field of basic industries. Should I inform the Commission?

Reply:

Charitable activities (as mentioned in article 4 para 3 of the Decision) do not constitute occupational activities within the meaning of Article 16, second paragraph, of the Staff Regulations provided that:

- (a) they do not give rise to lobbying or advocacy vis à vis staff of their former institution
- (b) are not remunerated
- (c) are carried out in the staff member's personal capacity

In this case, all these conditions appear to be fulfilled. There is therefore no need to inform the Commission.

Legal basis:

Article 12b of the Staff Regulations
Article 20 of the Decision on outside activities

COMMERCIAL AND PROFESSIONAL ACTIVITIES

28. Employment in a law firm

I have worked for 4 years as a temporary agent in DG TRADE and now my contract is coming to an end. A law

firm offers me a position in the same field of expertise.
Should I inform the Commission? Will this activity be accepted?

Reply:

You should indeed inform the Commission as this is clearly an occupational activity. Since this activity is related to the work you carried out during the last three years of service and could lead to a conflict of interest with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, give its approval subject to any conditions it thinks fit.

The Appointing Authority will aim to strike an appropriate balance between the need to ensure integrity through temporary prohibitions and restrictions and the need to respect your fundamental right to work. In particular, the Appointing Authority may, during the two year period after you have left the service:

- prohibit you from dealing with files, cases or matters related to the work carried out by you during your last three years of service, including related or subsequent cases and/or court proceedings; and/or*
- impose a cooling off period excluding you from, for example, professional contacts with former colleagues or from representing opposing parties.*

Legal basis:

*Article 12b of the Staff Regulations
Articles 20 and 21 of the Decision on outside activities*

