



**European Committee  
of the Regions**

Legal Affairs Unit

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## **Practical guide on the interaction of staff with external entities**

### **Introduction**

**The aim of this guide is to explain to CoR staff<sup>1</sup> their obligations concerning interaction with any government, authority, organisation or person outside the CoR ("external entities").**

This guide is largely based on existing rules (such as the Staff Regulations, CoR Decision 419/2005 on deontology and integrity and the CoR Code of Good Administrative Behaviour) and the advice provided by the European Ombudsman<sup>2</sup>. Non-compliance with the existing rules, in particular the Staff Regulations, may entail disciplinary action<sup>3</sup>.

### **Core principles**

You must carry out your duties and conduct yourself solely with the interests of the European Union in mind. You must neither seek nor take instructions from any external entity. You must carry out the duties assigned to you objectively, impartially and in keeping with your duty of loyalty to the Union<sup>4</sup>.

You must inform without delay your hierarchical superiors (a manager of your choice or the Secretary-General) or OLAF if you become aware of possible illegal activity, including fraud or corruption, that could be detrimental to the interests of the Union, or of conduct which may constitute a serious failure to comply with staff obligations<sup>5</sup>. Such would be the case, for instance, if you were offered certain benefits

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<sup>1</sup> Even if respect for the statutory obligations mentioned in this guide concerns only the CoR's statutory staff – i.e. officials and agents bound by the Staff Regulations and Conditions of Employment of Other Servants of the EU – it is expected that all staff working for the CoR, including seconded national experts and trainees, will also follow the rules laid down in this guide.

<sup>2</sup> European Ombudsman's practical recommendations for public officials' interactions with interest representatives ("Dos' and Don'ts"), May 2017.

<sup>3</sup> Article 86 of the Staff Regulations.

<sup>4</sup> Article 11, 1st paragraph, of the Staff Regulations; Article 1 of CoR Decision 419/2005 on deontology and integrity.

<sup>5</sup> Article 22a of the Staff Regulations; Article 1 of CoR Decision 419/2005 on deontology and integrity; CoR Decision 508/2015 laying down rules on whistleblowing, in particular Article 4(1).

in exchange for disclosing confidential information or you knew that a colleague had failed to declare expensive gifts and/or a clear conflict of interest.

### **Conflict of interest**

You must avoid dealing with a matter in which, directly or indirectly, you have a personal interest that could impair your independence<sup>6</sup>. The aim of this obligation is to ensure independence, integrity and impartiality, which are of a fundamental nature<sup>7</sup>.

There may be situations in which you genuinely feel that by dealing with a specific matter your independence is not being affected. However, if third parties may still reasonably perceive that, because of your personal interest, you will not be impartial, you should avoid dealing with the matter in question, in order to avoid possible accusations and maintain the credibility and image of the CoR<sup>8</sup>.

In order to help the CoR identify potential conflicts of interest, you must always inform the CoR in the following situations:

- if you intend to engage in an outside activity during your service<sup>9</sup>;
- if your spouse or partner is in gainful employment<sup>10</sup>;
- if you intend to engage in an occupational activity within two years of leaving the service; furthermore, if you are a senior official you cannot engage in lobbying activities with CoR staff for one year after leaving the service<sup>11</sup>.

In addition to the abovementioned situations, if you find yourself in a situation where you think that there is a potential conflict of interest, you must inform your hierarchical superiors, who will take the appropriate measure and may decide to relieve you of your responsibility with regard to the matter in question<sup>12</sup>.

These are some examples of potential conflicts of interest:

- You are a shareholder in a company that requests a meeting with you (note also in this respect that you must neither keep nor acquire any interest that would affect your independence in companies that are subject to the authority of the CoR or have dealings with it<sup>13</sup>).
- You are asked to deal with a file concerning a subject about which you hold strong and publicly expressed personal convictions that could impair (or could be perceived as impairing) your objectivity<sup>14</sup>.

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<sup>6</sup> Article 11a of the Staff Regulations. Article 4 of CoR Decision 419/2005 on deontology and integrity.

<sup>7</sup> Judgment of the Civil Service Tribunal of 28 March 2012 in case F-36/11, *BD v Commission*, paragraph 68.

<sup>8</sup> *BD v Commission*, paragraphs 70 and 80. Ombudsman's practical recommendations ("Do" No 4).

<sup>9</sup> Article 12a of the Staff Regulations, CoR Decision 66/2014 on outside activities and assignments.

<sup>10</sup> Article 13 of the Staff Regulations.

<sup>11</sup> Article 16 of the Staff Regulations.

<sup>12</sup> Article 11a(2) of the Staff Regulations.

<sup>13</sup> Article 11a(3) of the Staff Regulations.

<sup>14</sup> However, it is perfectly normal for the staff of a political group to share the views of the latter.

## Meetings

There is no formal obligation for the CoR to meet with external entities. However, the CoR should remain an open and accessible institution.

When deciding whether to accept a meeting request or not, you must treat in a similar manner requesters who are in the same situation and be able, if necessary, to justify objectively any difference in treatment. In general, you should not do anything that could be viewed as granting preferential treatment to a specific external entity<sup>15</sup>. This rule is particularly relevant for stakeholder meetings organised on the CoR's premises, which, for the sake of transparency and equal treatment of all interested parties, should always be announced in advance on the CoR's website<sup>16</sup>. Commissions should aim to invite stakeholders from various backgrounds and should keep a list of invitees and participants.

In addition to the abovementioned general advice, please take note of the following points:

- You must not participate in the meeting if by doing so you would incur a potential conflict of interest.
- You should prepare yourself for the meeting, in particular by conducting basic research about the external entity and its funding and also by finding out in advance the purpose of the meeting and the issue(s) up for discussion<sup>17</sup>.
- As a general rule, meetings should be held on the CoR's premises and at least two members of staff should participate<sup>18</sup>.
- During the meeting, you must not disclose information that is not publicly available, unless you have the authorisation from your hierarchical superiors to do so<sup>19</sup> (see also the section in this guide about access to information and documents).
- You should not give the impression that any particular piece of advice or idea provided at the meeting will be decisive in the decision-making process<sup>20</sup>.
- You should keep records of the meeting, in particular by preparing a short post-meeting memo for your hierarchical superiors<sup>21</sup>.
- You must inform your hierarchical superiors of possible illegal activities<sup>22</sup>, such as the insinuation of a bribe. It is also advisable to report questionable lobbying practices<sup>23</sup>, such as persistent requests for confidential information.

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<sup>15</sup> Article 5 of the CoR Code on Good Administrative Behaviour. Ombudsman's practical recommendations ("Don't" Nos 3 and 7).

<sup>16</sup> According to the European Ombudsman, the announcement should include the name of the rapporteur, date and venue of the meeting, as well as the relevant details of the contact person, and the CoR should keep the consultation calendar on its website up-to-date (Decision of 22/05/2018 in case 1800/2016/JAP on the Committee of the Regions' handling of the complainant's enquiries concerning the stakeholders' consultation on its draft opinion on copyright in the digital single market).

<sup>17</sup> Ombudsman's practical recommendations ("Do" Nos 2 and 3, "Don't" No 2).

<sup>18</sup> Ombudsman's practical recommendations ("Don't" No 6).

<sup>19</sup> Article 17 of the Staff Regulations; Article 6 of CoR Decision 419/2005 on deontology and integrity; Ombudsman's practical recommendations ("Don't" No 9).

<sup>20</sup> Ombudsman's practical recommendations ("Don't" No 8).

<sup>21</sup> Ombudsman's practical recommendations ("Do" No 7, "Don't" No 5).

<sup>22</sup> See footnote 5.

- If you have any doubts, whether before or after the meeting, you should consult your hierarchical superiors<sup>24</sup>.

All the above (except the point on the venue of the meeting and the minimum number of CoR staff) also apply to casual encounters, social settings<sup>25</sup>, social media<sup>26</sup> and your participation in external events. Your participation in an external event should be motivated by the CoR's interests (for instance, publicising the CoR's institutional role or the CoR's position regarding a specific issue), not by your personal interest or the interest of the organiser.

### **Oral and written exchanges**

The advice provided in the section on meetings also applies, with the necessary changes, to oral and written exchanges with external entities.

Regarding oral communications, be polite but remain cautious, bearing in mind that your words might be quoted or even recorded.

If you receive a written message, follow these rules<sup>27</sup>:

- reply in the sender's language;
- send an acknowledgement of receipt within two weeks, unless you send a substantive reply within that period;
- if needed, transfer the letter or message to the competent department and inform the sender accordingly;
- take a decision on the substance within a reasonable time-limit and in any case within two months;
- if you take a decision that is likely to negatively affect the external entity, try to briefly state the grounds for this decision (for instance, declining a meeting request by arguing that the issue in question is not being dealt with by the CoR);
- as in the case of meetings, keep adequate records of the exchanges.

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<sup>23</sup> Ombudsman's practical recommendations ("Do" No 9).

<sup>24</sup> Ombudsman's practical recommendations ("Do" No 5).

<sup>25</sup> Ombudsman's practical recommendations ("Do" No 6).

<sup>26</sup> See in this respect the CoR Code of Conduct for all staff using Social Media in a private capacity on CoR-related issues.

<sup>27</sup> Articles 13-15, 17, 18 and 24 of the CoR Code on Good Administrative Behaviour.

## Gifts

The general rule is that you must not accept any gift or favour from any external entity without the permission of the CoR.

As an exception to that general rule, you do not need to seek such permission:

- for services rendered either before your appointment or during special leave for military or other national service and in respect of such service;
- for gifts that are worth up to EUR 50, provided that all the gifts that you receive from the same source within a given year do not exceed EUR 50.

In any other situation you must seek the agreement of the CoR<sup>28</sup>, which will take a decision on whether or not you can keep the gift by applying the following criteria: the reasons behind the gift; the possible consequences for the interests of the CoR and your independence; the value of the gift, bearing in mind that only gifts that are worth up to EUR 150 may be authorised; and the number of gifts that you have received in a given year.

If the value of the gift exceeds EUR 150, the CoR will automatically deny you permission to keep it. The gift will then either become the property of the CoR or will be donated to a charitable organisation.

Without prejudice to the above-mentioned rules<sup>29</sup>, you should ask yourself **even before accepting a gift or favour** whether doing so is appropriate for somebody working in public administration and whether it will affect your integrity, objectiveness and independence. In general, it is advisable to only accept gifts that are symbolic in nature, such as diaries, calendars, office stationary and the like. However, in certain circumstances, in particular if required for reasons of common courtesy, it is admissible to accept gifts that have more than a token value, such as a tie, a scarf or an illustrated book. Refreshments, snacks and simple meals are also admissible in the course of a meeting or a work-related occasion. You must always refuse any amount of money.

If in doubt (for instance about the value of a gift), do not hesitate to consult your hierarchical superiors.

## Requests for information and access to documents

The distinction between a request for information and a request for access to documents might not always be self-evident, in particular when a specific document is not singled out in the request. In essence, a request for information concerns (i) information that is not contained in any existing document in the

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<sup>28</sup> Your request should be sent to Unit E3.

<sup>29</sup> Article 11, 2<sup>nd</sup> paragraph, of the Staff Regulations; Article 2 of CoR Decision 419/2005 on deontology and integrity (amended by CoR Decision 130/2018).

possession of the institutions or (ii) information that is so contained but replying to the request would involve creating a new document<sup>30</sup>.

If you receive a request for information that is not publicly available, you must not disclose it unless you have been authorised by your hierarchical superiors to do so. The decision on whether to authorise the disclosure will be taken bearing in mind in particular its possible consequences for the interests of the institutions and the Member States, for your own independence and for the respect of third-party personal data.<sup>31</sup> If you are planning to meet with external entities you should try to anticipate which non-publicly available information may be requested and consequently seek guidance from your hierarchical superiors. Their prior authorisation is not required when disclosing information that is devoid of substantial content (for instance, the scheduled date of a forthcoming commission meeting or other event) and for general clarifications about the working procedures in the CoR.

If you receive a request for access to a document that is publicly available, you can reply directly to the requester, which in most cases will only entail sending a link to the document. In any other situation, or in case of doubt, you should immediately forward the request to the Transparency Service ([transparence@cor.europa.eu](mailto:transparence@cor.europa.eu)), which will examine it.

### **Conclusion**

You should always aspire to the highest level of integrity and do your utmost to remain objective and impartial while dealing with external entities. Please also bear in mind that your conduct reflects the image of the CoR and, more broadly, the European Union. Do not hesitate to report possible illegal activities and to seek advice in case of doubt.

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<sup>30</sup> Judgment of the General Court of 2 July 2015 in case T-214/13, *Typke v Commission*, paragraphs 52-59.

<sup>31</sup> Article 17 of the Staff Regulations; Article 6 of CoR Decision 419/2005 on deontology and integrity; Ombudsman's practical recommendations ("Don't" No 9).

### **Legal references and relevant documents**

Treaty on European Union (TEU), in particular Articles 4(3) and 11, and Treaty on the Functioning of the European Union (TFEU), in particular Articles 15(3), 295 and 339:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

Staff Regulations of Officials and Conditions of Employment of Other Servants, in particular Articles 11, 11a, 13, 16, 17, 22a and 22c of the former and Articles 11 and 81 of the latter:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01962R0031-20140501&from=EN>

CoR Decision 419/2005 on deontology and integrity, in particular Articles 1, 2 and 4 (amended by CoR Decision 130/2018):

[http://mycor.cor.europa.eu/EN/Directorate\\_E/Documents/Dec\\_Deontology\\_2005\\_419\\_FR.pdf](http://mycor.cor.europa.eu/EN/Directorate_E/Documents/Dec_Deontology_2005_419_FR.pdf)

CoR Code of Good Administrative Behaviour, in particular Articles 5, 13-15, 17, 18 and 22-24:

[http://mycor.cor.europa.eu/EN/Directorate\\_E/Documents/Dec\\_CodeOfGoodConduct\\_2003\\_EN.pdf](http://mycor.cor.europa.eu/EN/Directorate_E/Documents/Dec_CodeOfGoodConduct_2003_EN.pdf)

CoR Decision 508/2015 laying down rules on whistleblowing:

[http://mycor.cor.europa.eu/EN/Directorate\\_E/Documents/DEC508-2015\\_whistleblowing.pdf](http://mycor.cor.europa.eu/EN/Directorate_E/Documents/DEC508-2015_whistleblowing.pdf)

CoR Decision 66/2014 on outside activities and assignments:

[http://mycor.cor.europa.eu/EN/Directorate\\_E/Documents/Dec66-2014-Ext%20Act.pdf](http://mycor.cor.europa.eu/EN/Directorate_E/Documents/Dec66-2014-Ext%20Act.pdf)

Regulation 1049/2001/EC regarding public access to Parliament, Council and Commission documents:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN>

CoR Decision 64/2003 on public access to CoR documents:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003D0064%2801%29&from=EN>

European Commission's Practical Guide to Staff Ethics and Conduct, in particular pages 11-12:

[https://myintracomm.ec.testa.eu/hr\\_admin/fr/training/learning-development-topic/hr-security/Documents/22012014\\_ethics\\_ebooks\\_practical\\_guide\\_to\\_staff\\_ethics\\_and\\_conduct\\_en.pdf](https://myintracomm.ec.testa.eu/hr_admin/fr/training/learning-development-topic/hr-security/Documents/22012014_ethics_ebooks_practical_guide_to_staff_ethics_and_conduct_en.pdf)

European Ombudsman's practical recommendations for public officials' interaction with interest representatives:

<https://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/79435/html.bookmark>