

5. DECISION OF THE APPOINTING AUTHORITY

Last name:	First name:
Function: Executive Director	

New activity is:

Approved

Approved subject to following conditions:

Rejected

Please state motivation in case the application is rejected:

Date: _____

Signature: _____



Practical Guide to Staff Ethics and Conduct

2010

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1. INTRODUCTION

As an agency of the European Union, the European Food Safety Authority (referred as “Authority” in this document) is accountable to the other institutions, most notably the European Parliament, as well as to the Member State governments, and ultimately, to the citizens, for ensuring that it meets the highest standards in terms of independence, integrity, impartiality and objectivity.

One of the challenges of an organisation built on staff and partners coming from different countries and cultural background is to maintain a shared common culture of ethics and integrity supporting that accountability. This accent on developing and maintaining a shared frame for Ethics and Integrity was stressed in the principles of the EU public administration reform of 2000 and later translated among others in EU Internal Control Standards and specific provisions of the Staff Regulations.

The Staff Regulations establish the general framework of rights and obligations affecting EU officials and agents. This is supplemented by the EFSA's Code of Good Administrative Behaviour, which determines the type of service the public can expect from Authority staff.

This guide looks at how these standards should be applied on three levels – your relations with the public, your behaviour at work (with your hierarchy and colleagues), and your individual obligations. This reflects the importance and nature of the Authority's public service mission to serve the public interest.

The guide covers a variety of issues, ranging from behavioural tips, which you would be well advised to follow, to compliance with legal obligations under the Staff Regulations, violation of which could lead to disciplinary measures.

When it comes to the fulfilment of your individual obligations, it is worth keeping in mind that the details of each case vary and staff has, therefore, to exercise good judgement and common sense in weighing up their individual aspects.

Disclaimer

This Practical Guide to Staff Ethics and Conduct aims to make the standards and obligations concerned and the relevant procedures transparent and easy to understand, for information purposes only. The Guide has no legal value.

Only the legal texts are binding and must be referred to by either the EFSA administration or by any Authority civil servant in any legal or administrative proceedings. While every effort has been made to give accurate guidance, the only authentic interpretation of the rules is to be found in the judgments of the Court of Justice of the European Union, the General Court and the Civil Service Tribunal.

2. PRINCIPLES OF STAFF ETHICS AND CONDUCT

ETHICAL PRINCIPLES

Only by aspiring to the highest standards of **integrity** can you ensure the Authority's independence and credibility. This means adhering consistently to a moral or ethical code and making sound decisions. For the Authority to fulfil its mission of meeting the common good and the public interest, your conduct and decision-making has to be guided by the following principles:

- **Independence** – your conduct and decision-making should be determined by the need to serve the common good and the public interest, and never by any other interests whether private or otherwise or as a result, for example, of political pressure.
- **Impartiality** - in any decisions you are called upon to make, your approach should be unbiased.
- **Objectivity** – when drawing conclusions, these should be balanced and based on a thorough analysis of the facts and the legal background.
- **Loyalty** – your loyalty is essential to the Authority maintaining its independence and achieving its mission. It is also necessary for the functioning of each service.

Putting these principles into practice requires:

- **Circumspection** – stopping and reflecting on the possible consequences and implications of potential actions, showing a degree of moderation and conducting yourself at all times with a due sense of proportion and propriety.
- **A sense of responsibility** -carrying out those tasks entrusted to you as dutifully as possible and looking for solutions, when difficulties are encountered. You also need to know and respect the legal obligations and administrative rules and procedures in force.

Four documents are fundamental for guiding the conduct of staff:

- The **Staff Regulations** (and decisions implementing those Regulations), which lays down the basic principles governing relations between the Authority and its staff. Of particular importance with regard to staff ethics and conduct is Title II of the Staff Regulations (see Annex 1 p.27), which deals with rights and obligations of officials and to which this guide refers frequently.
- The **EFSA Code of Good Administrative Behaviour**, which provides clear guidance on how Authority staff should serve the public. This code does not have the same legal status as the Staff Regulations, but it constitutes a set of internal rules by which the Authority has bound itself, and which staff are bound to follow as instructions to them.
- The **Decision concerning** the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests.
- EFSA's Policy on Declarations of Interests

Given the different legal status of these four documents, violations will have differing possible consequences.

GOLDEN RULES OF STAFF CONDUCT

In order to adhere to the essential elements involved in staff ethical conduct:

- Serve the public interest, by acting with integrity and being objective and impartial in your work;
- Be loyal to the Authority;
- Provide citizens and others with the quality service you would expect yourself;
- Remember that you are the human face of the Authority and that others will judge the Authority on the basis of what they see and experience;
- Carry out the tasks assigned to you with responsibility and to the best of your ability;
- Treat your colleagues with respect;
- Make sure your conduct is beyond reproach, by not knowingly being a party to an activity that could bring the Authority into disrepute or could cause your impartiality to be questioned;
- Ensure that you are aware of the relevant legal obligations, rules and procedures;
- If you are unsure whether something you do or are asked to do is ethical, consult the relevant information – including this guide – and if in doubt, **ASK** your superior or the Human Resources unit.

3. RELATIONS WITH THE PUBLIC

Relations with the public form an essential part of the Authority's mission to serve the public interest. In your contacts with the public, you should be guided by the principles of openness and transparency, as well as courtesy, helpfulness and efficiency.

In this respect, you should be aware that all staff members can have an impact on how the Authority, and, by extension, the Union, is seen – through your professional activities, as well as in your life outside work. How you act will influence the image people form of the Authority and its staff. In this respect, you should think of yourself as an “ambassador” for the Authority and the Union Institutions.

SERVING THE CITIZEN

Serving the public means putting citizens first. Relations with the public should be based on the following standards:

- **Lawfulness** – staff should act in accordance with the law and apply the rules and procedures laid down in Union legislation and implementing rules.
- **Non-discrimination and equal treatment** – staff should respect the principle of non-discrimination and, in particular, guarantee equal treatment for members of the public irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation.
- **Proportionality** – staff should ensure that the measures taken are proportional to the aim pursued.
- **Consistency** – staff should be consistent in their administrative behaviour and follow the Authority's normal practice. Any exceptions to this principle should be duly justified.
- **Objectivity and impartiality** – staff should always act objectively and impartially, in the Community interest and for the public good. They should act independently within the framework of the policy fixed by the Authority and their conduct should never be guided by personal or national interest or political pressure.

The citizen's right to information

Citizens are entitled to expect a speedy response when they address queries to the Authority. Furthermore, Article 15 of the TFEU grants citizens a right of access to documents of the Union Institutions, bodies and agencies, including the Authority (See “[EFSA Decision concerning access to documents](#)”)

Dealing with enquiries (correspondence, telephone calls and e-mails)

The Authority undertakes to answer enquiries from citizens in the most appropriate and rapid manner possible.

As a general rule for **written correspondence**, EFSA shall reply within 2 months from the receipt and shall send an acknowledgement of receipt within 2 weeks. If this is not possible, a holding response should be given within this period. When replying in writing, the language of the citizen should be used, provided it is one of the Union official languages. Proper contact details should also be included.

When answering **telephone calls**, you should clearly identify yourself or your department and treat the caller at all times in a courteous and efficient manner. You should return telephone calls as promptly as possible. When dealing with enquiries within your field of responsibility, you should establish the caller's identity and check whether information has already been made public or is accessible to the public before giving it out. If this is not the case, you should explain why you cannot disclose the information. For subjects outside your field of competence, you should direct the caller to the appropriate service. When appropriate, you should request confirmation in writing of telephone enquiries.

Where correspondence can reasonably be considered as "repetitive, abusive and/or pointless", the Authority reserves the right to discontinue any such exchanges of correspondence. Each Directorate (and subsequent unit or team belonging to it) is responsible for taking such a decision, but in the interests of **ensuring a coordinated, coherent response** on the part of Authority services, a copy of any letter informing a member of the public of the decision to discontinue correspondence should be sent to the Director concerned **and** the Legal and Policy Affairs unit.

It is also important to guarantee continuity of service by ensuring, wherever possible, that your phone is answered or use is made of voice mail.

Basically, **e-mail messages** should be treated promptly following the guidelines on telephone calls (described above). However, where the e-mail message is, by nature, the equivalent of a letter, it should be handled according to the guidelines on written correspondence (described above) and should be subject to the same deadlines. To guarantee continuity of service, remember to use your 'out of office' function when you are not available and give the name and telephone number of a contact person.

Requests for documents

What do you do if you receive a request from a citizen for a specific document?

If the document has been published in any manner, you should direct the person making the request, as appropriate, to the relevant webpage on the EFSA Internet site where the document is available, to the EFSA Publication's unit if specific information/high-volume are requested, or the European Publications Office's sales agents providing free access to documents (Info-Points, European documentation centres, etc.).

If a document has not yet been made public, you may still be able to make it available, but this must be checked first and the relevant procedures followed. You should contact the person appointed in your Directorate as coordinator for the handling of applications for access to documents. The Legal and Policy Affairs unit can also be of assistance when dealing with access requests.

Specific rules for **access to documents** are laid down in "Decision concerning access to documents".

Requests from Media

What should you do if contacted by a journalist?

As a general rule, EFSA Press Office is responsible for contacts with the media. Especially, where a request is of a political nature, you should refer the journalist directly to the Press Office' unit, giving him or her, if necessary, the contact details.

However, when requests for information concern technical subjects falling within your specific areas of responsibility, you may answer them, subject to prior clearance from Press Office. Offer to call back if necessary. There is no justification for not giving a journalist an item of factual, technical information that would be given to any member of the public. It is, nevertheless, advisable to notify the Press Office responsible, so that he or she can supplement the information given to the journalist, if necessary.

Be aware that you **should avoid** discussing any matter which is still at the preparation or discussion stage and on which the Authority has not adopted an official position. Information on questions of this kind is specifically a matter for the Press Office, in consultation with the Directorates concerned, unless they have given specific authorisation to the contrary.

As a member of the Authority's staff specialist, you may be asked by the Press Office to provide background information to the media. As a rule, this should always be done on an "off the record" or "background" basis.

When participating at conferences or other external events, as part of your duties, the possibility of spontaneous requests from the media should be anticipated, in coordination with Press Office officers.

Please note that Head of Units are called on to talk to the press on subjects falling under their responsibility. In this context, they need to coordinate their statements with the Director concerned and Press Office especially in the case of policy statements on matters still under discussion.

More information

For contact details of members of the Press Office, see:
<http://www.efsa.europa.eu/en/efsawho/staffdirectory.htm>

RIGHTS OF INTERESTED PARTIES

When dealing with administrative decisions, you should bear in mind, in accordance with the rules governing the relevant administrative procedure, the following duties:

- **Listen to all parties with a direct interest.** Where Union law provides that interested parties should be heard, staff, in accordance with the conditions set out by that law, should ensure that an opportunity is given to them to make their views known.
- **Justify decisions.** As a general rule, full justification for decisions should be given. Where this may not be possible on an individual basis, provision is made for standard replies to be given. These should include the principal reasons justifying the decision taken. However, an interested party who expressly requests a detailed justification should be provided with one, while respecting the rules on non-disclosure of information (see relevant section below). The reasons to be given may vary according to the applicable specific rules.
- **State arrangements for appeals.** Where Union law provides for it, when notifying an interested party of a measure, staff should clearly state the possibility of lodging an appeal and describe how to submit it (the name and office address of the person or department with whom the appeal must be lodged and the deadline for doing so).

CONTACTS WITH STAKEHOLDERS

EFSA is an organization committed to openness, transparency and dialogue. One of the ways it demonstrates this commitment is through its activities with stakeholders (SH).

LPA Unit manages the Stakeholders Platform, which is the main tool EFSA uses to interact with SH, and should be contacted to coordinate formal reactions and events with SH.

Who are EFSA's stakeholders?

For EFSA, the term 'stakeholder' describes an individual or group that is concerned or stands to be affected – directly or indirectly - by EFSA's work in scientific risk assessment. In EFSA's work with stakeholders, a distinction is made between 'Civil Society Stakeholders' and 'Institutional Stakeholders'.

Civil Society Stakeholders

The term 'Civil Society Stakeholders' refers to consumer groups, non-governmental organizations (NGOs), and market operators such as farmers, food manufacturers, distributors or processors and science professionals. Forging a relationship with Civil Society Stakeholders is described in [EFSA's founding regulation](#), (Article 42, Recitals 56). Here it states that EFSA must have, "effective contacts with consumer representatives, producer representatives, processors and any other interested parties". In addition to this, EFSA also works with environmental and animal welfare NGOs. Its formal activities with 'Civil Society Stakeholders' include the twice-yearly stakeholder consultative platform and the EFSA Annual Colloquia.

In addition to formalized activities that require membership, EFSA also promotes relations with the general public and those who feel they can contribute to the Authority's work. This can be through public consultations on specific scientific subjects and data collection activities where any interested member of the public can submit relevant data and information, and through public

events such as Open Days.

Institutional Stakeholders

For EFSA, 'Institutional Stakeholders' refers to those to whom the Authority has a legal obligation to work with under Community rules, e.g. the European Commission, the European Parliament and the Member States. This relationship is demonstrated by the EFSA Advisory Forum and Management Board, through formalized collaboration such as Article 36 cooperation, and through regular relations with lawmakers and Commission officials.

PROTECTION OF PERSONAL DATA

Protection of personal data is a fundamental right (Article 8 of the European Charter of Fundamental Rights; Article 16 of the TFEU). In this respect, the Authority and its staff must respect the rules on the protection of personal privacy and personal data. The principles, the individual's legally enforceable rights and the obligations of the institution concerned with regard to the processing of personal data are laid down in Regulation (EC) No. 45/2001.

However, in some cases, personal information is required in order to provide personal services. In this respect:

- For each specific service, a controller determines the purposes and means of the processing of personal data and ensures conformity of the specific service with the privacy policy;
- At EFSA, the Data Protection Officer, DataProtectionOfficer@efsa.europa.eu, monitors the compliance with the Regulation and advises controllers on fulfilling their obligations;
- For all Union Institutions and Agencies, the European Data Protection Supervisor acts as an independent supervisory Authority with regard to the protection of personal data.

Statement on confidential information

In the area of EFSA's mission, several specific legal acts provide confidentiality clauses setting out the conditions in which certain documents or information may be disclosed. In certain of these vertical legal acts the legislator has given other EU bodies than EFSA (e.g. the Commission or the Member States) the competence to accept/reject confidentiality claims of third parties with regard to the data processed under the specific legal act.

Selection and recruitment

Please refer to Data protection in relation to selection and recruitment.

Processing operations cover a wide range of activities from collecting to transfer and storage of data. Except for well-defined special circumstances, it is prohibited to process data on racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, health or sex life. The data subject has the right to be informed of the processing operations (before the first occurrence) and has the right to access, rectify, and, where appropriate, block or erase data, to object to the processing and to receive compensation for any damage.

More information

Please refer to the "Implementing rules concerning the tasks, duties and powers of the Data protection officer"

NON-DISCLOSURE OF INFORMATION / CONFIDENTIALITY

While the Authority is committed to the principles of openness and transparency, as outlined in the Code of Good Administrative Behaviour, there are certain sectors of activity where non-disclosure of information and the confidentiality requirement may be applicable.

Non-disclosure of information

Without prejudice to the legislation on the protection of personal data, as a member of staff, or former member of staff, you have an obligation not to disclose, without authorisation, information to which you have been exposed in the course of your work, unless that information has already been made public or is accessible to the public (Article 17 of the Staff Regulations).

You may have to deal with sensitive information in the course of your work. Such information must be treated with the utmost discretion. For example, this applies to commercially sensitive economic data or staff data in Administration Directorate (e.g. medical or personnel matters).

Such sensitive, but non-classified information (e.g. also proceedings of an open competition selection board, investigation reports from OLAF) **must be protected**. Professional secrecy is a fundamental obligation for all staff working in the departments responsible for administering the affairs of Authority staff.

Confidentiality of business information

Staff members are specifically required to respect the confidentiality that intrinsically applies to business information provided by applicants at particular stages of a programme or project, particularly information relating to the content of tenders submitted for evaluation and selection (for example, details of a project applicant's financial situation or accounts).

You must constantly ensure that such information does not fall into unauthorised hands, if necessary by storing them in secure locations. The unauthorised disclosure of such information can be harmful and the Authority could be held liable for loss sustained if the act is attributable to you and the Authority could, in turn, bring proceedings against you if you are personally seriously at fault. As a member of staff, you have no personal rights over such information and its use for purposes other than those required for the performance of your tasks would constitute a misuse of information.

Classified documents

With four levels of classification (Authority and Council decided to use only the following terms in all language versions: "TRES SECRET UE/EU TOP SECRET", "SECRET UE", "CONFIDENTIEL UE" and "RESTREINT UE" as their equivalents of top secret, secret, confidential and restricted), the Authority's security provisions are aimed at protecting classified information produced or handled by the Authority from being compromised, disclosed without authorisation or from spying. These provisions are in line with the rules on public access to documents. If you have to deal with

documents falling under the security provisions you are expected to know the rules. In general, this means considering what needs to be done in your immediate environment to protect the information with which you are dealing.

Staffs that compromise EFSA classified information by letting it fall into the hands of unauthorised persons face disciplinary procedures and/or criminal prosecution.

EFSA adheres to the principles expressed by the Commission but as of today there is no official decision taken on the different levels of confidentiality and secrecy of documents.

More information

Please refer to the "Decision on Openness, Transparency and Confidentiality" and "Implementing measures of transparency and confidentiality requirements"

Social Networks

Communications Directorate is actually working on social media guidelines as well for EFSA staff that should be reviewed by HR and Legal Units.

4. BEHAVIOUR AT WORK

Ethical behaviour is a way of life and applies to how you interact within the Authority, be it with your line manager, colleagues or other members of staff. At work, you may be faced with many different types of situations, which constantly require you to exercise good judgement and common sense, in line with the ethical principles and standards required of Authority's staff.

Furthermore, staff must comply with Article 1d of the Staff Regulations which prohibits any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.

RELATIONS WITH THE HIERARCHY

As stipulated in the Staff Regulations (Article 21), whatever your rank, you have the obligation to "assist and tender advice" to your superiors and you are responsible for the performance of the duties assigned to you, that is, you must do your job properly.

The responsibility of a subordinate does not release the staff member from his or her own responsibility.

As a general rule, a member of staff must follow instructions, unless they are manifestly illegal or constitute a breach of the relevant safety standards. You should not confuse this with simple disagreements or differences of opinion.

In line with the Staff Regulations (Article 21a), if your superior instructs you to do something which you consider to be irregular or likely to give rise to serious difficulties, you should ask for the instruction to be confirmed in writing. In the first instance, you should ask for confirmation from your immediate superior and then, if necessary, from his or her immediate superior. If the latter confirms the orders in writing, you should carry them out, unless they are manifestly illegal or breach safety standards.

In a case where your immediate superior considers that his or her orders must be executed as a matter of urgency, you should do so, unless they are manifestly illegal or breach safety standards. However, at your request, he or she is obliged to give such orders in writing. (See also section on 'Serious wrongdoing' in chapter 6.)

RELATIONS AMONG STAFF

Colleagues should be treated with **respect** and **impartiality**, regardless of their position. In a multi-cultural workplace, mutual respect and tolerance of differences are essential ingredients of any good working relationship. This also involves:

- **Teamwork** – working together to achieve common goals;
- **Polite and clear communication** – engaging colleagues by showing respect and encouraging efficiency through clarity of instructions;
- **Conflict resolution** – finding workable solutions through better mutual understanding.

USE OF EFSA MEANS OF COMMUNICATIONS

Computer equipment, e-mail and Internet access, telephones, mobile phones and fax machines have been installed for official use. However, you may make occasional, limited use of these means of communication for private purposes, provided that you do not use them:

- for illegal or improper purposes;
- in any way that might disrupt the functioning of the service itself, or
- in any manner contrary to the interests of the Union/Authority.

For **electronic mail**, incidental personal use of the e-mail system is permitted. However, regardless of the content (e.g. entertainment, charity, political campaigns or commercial ends, etc.), you should refrain from sending messages that are to a wide or even indiscriminate number of addressees and from asking others to send out such messages widely. This is fundamental to avoid spamming, to safeguard server capacity and maintain the proper functioning of the service.

With respect to the **use of the Internet**, attention is drawn to the fact that the EFSA's servers may not be used where, for example, offensive, racist, discriminatory, sexually explicit or other equally inappropriate websites are accessed or where other personal use exceeds reasonable limits.

Given that the Authority's servers can be used both directly from the office and via remote access from other places, **do not forget** that usually e-mails or other messages sent through the Authority's system will indicate your Authority e-mail address and thereby establish a link to the Authority.

Be aware that the **Authority is entitled to monitor the use of information and communication technologies (ICT) services** and that it does so. In the case of any suspected abuse, ITOP in agreement with the Administration Directorate may open an investigation into your use of these services.

More information

New Usage Policy for ICT Resources

5. INDIVIDUAL OBLIGATIONS

To maintain the Authority's independence and credibility, as a member of staff, you are subject to certain reasonable requirements which affect the exercise of your duties and can have implications for your private life. For this reason, you are required to request authorisations or provide notifications in various situations (such as conflicts of interest, gifts, external activities, spouse's employment, or publications or speeches on EU-related matters). This must be done **on your own initiative**.

This section examines these situations (addressed mostly in the Staff Regulations, Title II on Rights and Obligations of Officials - see Annex 1 for full text) and the procedures to follow.

In this chapter, frequent reference will be made to the concept of '**Appointing Authority**'. This abstract term actually describes a system of graduated authority. In practice, EFSA's appointing authority is the Executive Director, who may in certain cases delegate his or her powers to the appropriate levels of senior and middle management. These managers are the faces behind the abstract expression "Appointing Authority".

In general terms, the situation is as follows. For the procedures concerning gifts, favours and payments, as well as external activities and publications and speeches on professional and EU matters, the Appointing Authority's powers are exercised by the Executive Director.

CONDUCT REFLECTING ON YOUR POSITION

In general terms, you should refrain from any action or behaviour which might reflect adversely on your position, as stated in the Staff Regulations (Article 12). This means that your conduct even outside the office must be exemplary. Professional and private behaviour inside or outside the Authority should not bring the European civil service into disrepute.

It is also worth noting that if your acts or behaviour risk bringing the Authority into disrepute, you could be subject to disciplinary proceedings. This could be the case, for example, if you were to be convicted of a crime or a misdemeanour. Article 12 also applies to behaviour within the Institution.

Obviously, when assessing any act or expression of opinion, account will be taken of its impact, especially if it appears to be harmful to the Authority's reputation.

AVOIDANCE OF CONFLICTS OF INTEREST

The overriding idea behind avoiding any occurrence or perception of a conflict of interest is to avoid possible accusations of bias and partiality in any decision-making process you may be involved in, so as to maintain the Authority's independence and credibility.

Key steps to avoiding such situations have to do with:

- not accepting gifts or favours;
- declaring your spouse's or partner's professional activities;
- providing immediate notification, if, in the course of your duties, you are called on to decide on a matter in which you have a personal interest which could impair your impartiality;

- seeking prior authorisation for any external activities (work – paid or unpaid) you may wish to undertake, even after leaving service;
- notifying beforehand your intention to stand for public office.

Gifts, favours, payments, honours and decorations

Gifts, favours and payments

As stipulated in the Staff Regulations (Article 11), you should not accept gifts, favours or payments from governments or any other source outside the institution without obtaining prior permission from the Appointing Authority. As a rule, it is recommended that you decline all such offers that have more than merely symbolic value (such as diaries, calendars, small desk items, etc.).

In any case, if you are offered any gifts, favours or donations with a combined value of more than € 50 given by the same source in any given year and you want to accept them, you must apply for permission, giving a justification. The total limit per person and per year is up to €250.00 regardless of the source from which a gift is received.

When deciding on such matters, the Appointing Authority takes into consideration the following factors:

- the motive behind offering the gift, favour or donation
- the possible consequences for the Institution's interests
- the value of the gift, favour or donation
- the number of gifts, favours or donations given by the same source, or the total number you receive during the course of a year.

Only if it can be clearly demonstrated to be in the interests of the Authority will approval be given to accept gifts in kind, particularly trips or excursions organised by third parties.

Regarding payments for work actually done, such as conferences or publications (on EU matters), see section below on "Freedom of expression".

Honours and decorations (medals)

Similarly, except for services rendered before your appointment or during special leave for military or other national service and in respect of such service, you should not accept from any government or other source an honour or decoration without prior permission from the Appointing Authority, since it might otherwise reasonably be considered that the honour has been granted for services rendered to a national government while nevertheless working for the Authority, which could give rise to doubts about the impartiality of the Authority itself.

Only national honours and decorations awarded by a sovereign state or official medals awarded by a sovereign state or an official organ of that state (ministry, regional or local authorities, etc.) or recognised by an official authority (Prix Charlemagne, Carnegie Hero Fund, etc.) are subject to the restrictions outlined in Article 11 of the Staff Regulations.

In deciding, the Appointing Authority will take into consideration the following factors:

- the motive behind giving the decoration;
- the possible consequences for the Institution's interests.

Declaring the professional activities of your spouse or partner

In line with Article 13 of the Staff Regulations, you have an obligation to inform the Appointing Authority if your spouse is "in gainful employment", i.e. is doing paid work. This is in order to prevent any appearance of a conflict of interest, which could arise because of your respective professional activities.

In this respect, unmarried, legally recognised partners are regarded as spouses (for precise details, see Article 1(2)(c) of Annex VII of the Staff Regulations).

If there is any change in your spouse's professional situation, you are obliged to update accordingly your Annual Declaration of Interest and to declare this in writing to Human Resource.

In order to avoid any possible conflict of interest, the Appointing Authority can decide, after consulting the Joint Committee, to transfer you to another post, if the nature of your spouse's employment is considered incompatible with yours and you are unable to give an undertaking that your spouse's activity will cease within a specified period.

Declaring a potential conflict of interest

As stipulated in the Staff Regulations (Article 11a), you are prohibited, during the performance of your duties, from dealing with any matter in which you have a direct or indirect personal interest that has the potential to compromise your independence and, by extension, the Authority's interests.

Such situations can arise when:

- there is some link between your work and your private interests, or those of your family or partner;
- you find yourself in a situation that could reasonably lead to allegations being made of bias or partiality, in light of your personal interests.

If you find yourself in such a situation or are in any doubt as to whether your circumstances could give rise to concerns over a conflict of interests, you should update your Annual Declarations of Interests without delay.

Conflicts of interest that may arise within the framework of a budgetary action are addressed by the Financial Regulation (Article 52). Under Article 34 of the implementing measures for the Financial Regulation, the competent authority that you must inform of any potential conflict of interest is your hierarchical superior.

More information

- [EFSA policy on declarations of interests](#)

- Guidance document on declarations of interest (updated on 8 September 2009)
- Procedure for identifying and handling potential conflicts of interest (updated on 8 September 2009)
- Financial Regulation and the Implementing Measures applicable to the general budget of the European Communities

Requesting prior permission for external activities

There are some fundamental reasons behind the need to ensure that all officials ask prior authorisation to take on external professional activities, paid or unpaid, in order to ensure your, and thereby the Institution's, independence and integrity. At a practical level, such an external activity should **not**:

- be so time consuming as to impact negatively on your work at the Authority, or constitute a job in itself;
- give rise to any possible appearance of a conflict of interest or be in some other way discreditable, so as to risk bringing the Authority into disrepute.

Furthermore, the amount of remuneration should be modest. However, the question whether the external activity is of use to the Authority may be taken into account.

The Staff Regulations (Article 12b) stipulate that if you want to engage in any type of activity outside the Authority, whether paid or unpaid, you must obtain prior permission from the Appointing Authority. The Article 12b stipulates:

- 1. Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Communities, shall first obtain the permission of the Appointing Authority. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the institution.
- 2. An official shall notify the Appointing Authority of any changes in a permitted outside activity or assignment, which occur after the official has sought the permission of the Appointing Authority under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1.

In assessing such requests, account is taken of the aspects mentioned above. In practice, while respecting these conditions, you are, for example, likely to be authorised to carry out voluntary work, charity work, or limited teaching activities.

You are not allowed, however, to carry out any of the following types of work, for example:

- outside work, whether paid or unpaid, in a "profession" (such as architect, lawyer, economist, accountant, IT professional, engineer, interpreter, doctor, translator, etc);
- work in private companies, even if it is unpaid and the role is merely nominal (such as non-executive director, unpaid adviser, etc.);
- teaching or other pedagogical work, whether paid or not, for more than 100 hours per academic year, unless the Appointing Authority, after consulting the Director of Administration, deems such work beneficial to the Authority.

Please note that as a rule, any request should be submitted two months before you plan to start the work in question, to allow sufficient time for the processing of your request.

Before making its decision, the Authority reserves the right to assess each case on its own merits with regard to the type of work proposed.

You should note that as a holder of a special identity card, you do not have the necessary authorisation to perform any work other than that for which you were recruited by EFSA. If the Authority grants permission to undertake external activities, you need to keep in mind that you will be subject to the relevant national income tax rules and social legislation of the country whose legislation applies.

In addition, the maximum net annual remuneration you may receive for any authorised external activities you undertake outside the EU institutions is € 4500 (after taxes). Anything over this amount must be turned over to the Authority.

No outside work may be performed either on the premises of the Institutions or during normal working hours.

It should also be noted that if you apply for 'leave on personal grounds' (*'congé de convenance personnelle'*), the Appointing Authority can make its acceptance of your request subject to reasonable and proportionate conditions, in view of your intended activity during the period requested, and can even refuse to grant such leave, if appropriate.

Standing for public office

If you wish to stand for public office, such as standing as a candidate in municipal, regional, national or European elections, you must notify the Appointing Authority, as stipulated in the Staff Regulations (Article 15). After your Director has given his/her opinion, the Appointing Authority will decide whether, in the period up to the date of the election or appointment, you:

- must make a request for leave on personal grounds (CCP);
- must take annual leave;
- can be authorised to work part-time; or
- can continue to work with no change to your hours.

Being elected or appointed

If elected or appointed to a position, you must notify the Appointing Authority without delay.

Then, on the basis of your Director-General's opinion and taking into consideration the interests of the Authority, the importance of the public office in question, the duties it would involve and the remuneration and expenses to which you would be entitled, the Appointing Authority will decide whether you:

- must make a request for leave on personal grounds (CCP);
- must take annual leave;
- can be authorised to work part-time; or
- can continue to work with no change to your hours.

Current administrative practice is for the Appointing Authority to require staff elected to national

parliaments (either upper or lower house) or the European Parliament to take special leave (CCP) for the whole term of office.

If the Appointing Authority decides to allow you to continue working as normal in the Authority, special leave of no more than 12 days a year may be granted on the basis of a duly substantiated formal request.

More information

Please contact the Human Resources Unit.

GIVING EVIDENCE IN LEGAL PROCEEDINGS AND IMMUNITY

Depending on your area of activity and your particular responsibilities, you should be aware of how to deal with requests to give evidence in legal proceedings and how the Authority applies the immunity, which covers your professional activities as a member of Authority staff.

Giving evidence in legal proceedings

If you are called on to give evidence in legal proceedings to do with your work, you must request prior authorisation from the Appointing Authority, in line with the Staff Regulations (Article 19). This obligation continues to apply even after leaving the Authority. Note that even if the interests of the Union would normally justify refusal of the authorisation, the Authority will nevertheless grant it, if refusal could result in your prosecution.

These provisions do not, however, apply to a member of staff or former member of staff called on to give evidence before the Court of Justice of the European Union (including the General Court and the Civil Service Tribunal) or before a Disciplinary Board of one of the Authority or of Union institutions, bodies or agencies.

To submit such a request for authorisation, you or the Authority department responsible (the Anti-Fraud Office, Administration Directorate, your Director, etc.) should send it, along with supporting documents (in particular the judicial body's request), to the Appointing Authority.

The Appointing Authority takes a decision after checking the applicable rules and consulting the Legal and Policy Affairs Unit and the decision is sent to the person who requested authorisation.

However, such requests may also be made by a national judicial or police authority without you being informed. In such circumstances, if the Authority is asked to maintain the secrecy of the procedure, you would be informed of the lifting of your immunity only when summoned to a hearing by the national authorities.

Immunity from legal proceedings

Article 12(a) of the Protocol on the Privileges and Immunities of the European Communities (PPI) stipulates that officials and other servants of the Communities shall "*... be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office.*"

Immunity from legal proceedings is to be accorded solely in the interests of the Union (Article 18 of the PPI). The protection granted against proceedings before national courts (civil or criminal) covers only acts relating to professional life. In practice, when national judicial authorities request it, such immunity is systematically lifted. For matters relating to private life, the question of immunity does not even arise and the official is subject to national civil and criminal law – as has been confirmed by the rulings of the Court of Justice of the European Union. Article 23 of the Staff Regulations stipulates that members of staff *"shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force."*

Requests for immunity from legal proceedings to be lifted are often combined with a request to lift the confidentiality requirement (see above section on "Giving evidence in legal proceedings").

Requests made to the Authority by national judicial authorities are dealt with. A decision to lift immunity is adopted by the Authority (in principle by written procedure) on the basis of a proposal from the LPA Unit. Where the national judicial authorities ask for the procedure to be secret, the Authority must comply with that request.

In addition, Article 23(2) of the Staff Regulations requires officials to inform the Appointing Authority (i.e. the Director-General for Personnel and Administration) immediately if immunity is in dispute.

RIGHT OF FREEDOM OF EXPRESSION (PUBLICATIONS AND SPEECHES)

The Staff Regulations (Article 17a(1)) grant you the right to freedom of expression *"with due respect to the principles of loyalty and impartiality."* Obviously, these principles are primarily of relevance when you express yourself on professional or EU matters, especially with regard to publications or speeches.

Publications and speeches and compensation for them

Publications and speeches on professional and EU matters

If you want to publish or to have published, either on your own or with other parties, a document, such as an article or a book, on anything dealing with your work or Union matters, you must inform the Appointing Authority in advance, as stipulated in the Staff Regulations (Article 17a(2)).

You must provide the Appointing Authority with any information, in particular a copy, in electronic form, of the document you intend to publish. This must be accompanied by a summary, in electronic form, in one of the Authority's working languages. Where the Appointing Authority can demonstrate that the matter is liable to prejudice seriously the legitimate interests of the Union, it has to inform you of its decision within 30 working days of receipt of the information. If it does not reply within this time limit, it is considered to have had no objections. However, it should be noted that the lack of a reaction does not prejudice the possible application of such a provision as Article 12 of the Staff Regulations, if the publication turns out to contain material which is, for example, defamatory or insulting, nor the possible application of Article 24 of the Staff Regulations, if other officials request assistance against what they may see as defamatory statements in the work. The author remains personally responsible for the published material.

These rules and procedures also apply to speeches and any form of public or private communication outside the scope of your duties, where they relate to EU matters and are or may be published.

Limitations on the freedom of expression

While the Staff Regulations (Article 17a(1)) grant staff the right to freedom of expression, when it comes to your professional activity, this is subject to the following conditions being met:

- you must show restraint and caution in expressing differing opinions, in particular when the latter are closely linked to the subject and nature of your duties in the two preceding years;
- such opinions or any others regarding Union policies must be expressed with moderation and under your sole responsibility (i.e. with a disclaimer).

You are also subject to the rules concerning non-disclosure of information and the confidentiality requirement (discussed in the chapter on 'Relations with the public').

Remuneration

If the publication (including its writing/preparation) or speech would entitle you to any financial payment, you must ask the Appointing Authority for prior authorisation to accept it (see also section above on "Requesting prior permission for external activities").

Royalties received for publications, to which the Appointing Authority raised no objections, are not subject to the net annual ceiling of € 4500 that applies to work you are authorised to undertake outside the Authority.

If a publication or speech forms **part of your work during a mission for the Authority** (e.g. it may happen that you are offered a fee for a speech you make while on outside assignment, which would count as part of your normal work), you are not allow to receive any remuneration or compensation at all.

Publications and speeches on other (non-EU) matters

For publications or speeches on matters not related to the EFSA/European Union, freedom of expression applies and you do not require any authorisation to publish. However, if the publication (including its writing/preparation) or speech could be considered an external activity, notably, if under contract, and/or would entitle you to any financial payment, you must ask the Appointing Authority for prior authorisation to accept it (see also section above on "Requesting prior permission for external activities"). Royalties received for publications are not subject to the annual ceiling of € 4500 that applies to work you undertake outside the Authority.

OBLIGATIONS AFTER LEAVING THE SERVICE

After leaving the service, former officials and staff are still subject to certain obligations. In particular, they must « *behave with integrity and discretion* », as stipulated in the Staff Regulations (Article 16).

Former officials and staff are therefore bound not to accept any duties or professional activities after leaving the service that would be incompatible with the interests of the Union. If you are intending to engage in an occupational activity, whether paid or unpaid, within two years of leaving the service, you must inform the Authority. If that activity is related to the work carried out during your last three years of service and could lead to a conflict with the legitimate interests of

the Authority, the Appointing Authority could forbid you from undertaking it or give its approval subject to any conditions it sees fit. The Authority has 30 working days to notify you of its decision. If no such notification has been received by the end of this period, this is deemed to constitute implicit acceptance.

If in doubt and the information on the portal is insufficient, please contact HR Unit and you will be told what details are needed to assess your case.

Recipients of an invalidity allowance or a pension may only take up gainful employment if they have first been authorised by the Appointing Authority.

It should also be noted that former officials and staff must « *refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public* », in line with the Staff Regulations (Article 17).

Under the Staff Regulations (Article 19), former staff also continues to be bound by the obligation with regard to giving evidence in legal proceedings (see section above).

6. PREVENTION AND REMEDIES

What if something goes wrong?

Notwithstanding the rules in place, it may happen. The Authority has a series of means of resolving these problems, ranging from prevention to disciplinary procedures.

This section of the guide seeks to offer you some general advice when confronted with ethical problems. It is important to know what to do if confronted with some difficult situations as the result of the behaviour or conduct of other colleagues, such as serious wrongdoing or harassment.

It is also important to know how the Authority investigates reported violations of obligations and, where appropriate, pursues disciplinary proceedings.

ETHICAL REASONING

In trying to resolve possible ethical dilemmas, which can arise when different values and principles come into conflict with one another, the following reasoning process is suggested:

- **Analyse** the situation by looking at the facts, circumstances and relevant rules, in order to identify possible options;
- **Consider** the consequences of the different options, as well as the consequences of not acting;
- **Check** whether other persons involved (hierarchy, colleagues) agree with the options you identify or see alternatives;
- **Take action** based on the best option identified;
- **Evaluate** the real impact of your action and any feedback; as such experience can serve as a precedent or a good point of departure when faced with a similar situation in the future.

FINANCIAL LIABILITY

While it is not the focus of this guide, depending on your duties, you may also have financial responsibilities. In this respect, it is important to recall that, as laid down in the Staff Regulations (Article 22), as a member of staff, you could be required to make good, in whole or in part, any damage suffered by the Communities as a result of serious misconduct in connection with the performance of your duties. Obviously, this does not concern a simple error or a slight mistake causing financial damage. However, financial liability could be invoked if you have breached a legal obligation, have caused financial damage and are guilty of deliberate misconduct or gross negligence. In such cases, all relevant circumstances are taken into account before any decision is taken.

For comprehensive information on **budget management and implementation, accounting and financial reporting, internal control issues, procurement and other related issues**, you should turn first to the Finance's information on the Portal.

For more information on internal audit activities, see the related section on the Portal.

For more information on the **anti-fraud** activities, see OLAF's website on Europa:
http://ec.europa.eu/anti_fraud/index_en.html

SERIOUS WRONGDOING (WHISTLEBLOWING)

All organisations face the risk of things going seriously wrong or of unknowingly harbouring a corrupt individual. Usually, the first people to suspect or realise that there is a problem are those who work in the organisation or with it. In tackling cases of wrongdoing it is crucial to have a reporting system in place that inspires confidence and thereby breaks the wall of silence. The Staff Regulations seek to address the problem through requiring staff to report any possible serious wrongdoing (Article 22a) and by providing adequate protection for staff reporting such cases (Article 22b).

The “whistleblowing” procedure

You are obliged to report facts pointing to a possible illegal activity, including fraud or corruption, or to a serious failure to comply with the professional obligations of EFSA's staff. This obligation only applies to facts discovered in the course of or in connection with your professional duties.

If you become aware of any serious wrongdoing, depending on who is involved, should report it in writing and without delay through hierarchy routing (depends the degree or the person involved) which is the Head of Unit/ the respective Director/ the Director of Administration and the Executive Director or the European Anti-Fraud Office (OLAF). It is suggested that OLAF should be the last step and should be taken into consideration only after exploring the normal hierarchy routing.

Whoever receives this information is required to transmit it following the hierarchy without delay.

When such information is received from a whistleblower, OLAF or the Authority must:

- inform the whistleblower within 60 days of how much time is needed to take appropriate

action; and

- take appropriate action within the period of time indicated.

If no appropriate action is taken within that time, the member of staff may turn to another EU institution – the President of the Council, the European Parliament or the Court of Auditors, or the Ombudsman. Given the duties of discretion and loyalty, this should be an option of last resort, justifiable only if the staff member concerned honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true and he or she allowed the Authority or OLAF a reasonable period of time to take appropriate action. If such an external disclosure is necessary, it is advisable to let the facts speak for themselves. The duties of discretion and loyalty imply that reporting serious wrongdoing beyond these other EU institutions (for example, to the press) is not permitted.

Any whistleblower who complies with these conditions will be protected from adverse consequences. This covers the identity of the whistleblower, as well as the mobility and staff report of the person concerned. Naturally, in order for the Authority to be able to apply such protective measures, the person concerned will need to identify him/herself to the Institution, and to observe the whistleblowing procedure.

HARASSMENT

The Authority does not tolerate harassment, in line with the Staff Regulations (Article 12a). In the work environment, the Staff Regulations distinguish between two particular types of harassment – psychological and sexual – and the Authority has a specific policy to deal with such cases.

Psychological harassment

Psychological harassment covers all forms of **sustained, intentional, abusive behaviour, whether this is repetitive or systematic** conduct, words, acts, gestures or writing which may **undermine the personality, dignity or physical or psychological well being of a person**. It comes in many different guises: bullying, antagonism, pressure, offensive behaviour, even refusal to communicate - all examples of unacceptable behaviour which may, in isolation, appear of little consequence. When occurring on a regular basis, however, these kinds of behaviour can cause serious harm to the person towards whom they are directed.

Sexual harassment

Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of men and women at work. This can include any unwelcome verbal, non-verbal or physical behaviour. The essential characteristic is that it is **unwanted by the recipient**.

EFSA policy

In the framework of the policy put in place by the Authority, two procedures have been established for dealing with potential harassment situations, a formal and an informal one. The informal procedure aims at finding an amicable solution and providing support, help and advice to staff; it also allows for practical administrative solutions when appropriate. This procedure does not aim at investigating the facts or applying sanctions. In contrast, the formal procedure aims at

determining if the allegations of harassment can be proven, assessing the facts and, when appropriate, applying sanctions in the framework of the disciplinary procedure.

More information

A dedicated section on "Harassment Prevention" is available on the Portal.

Confidential Counsellors are available to help.

See also the manual on "Preventing Psychological and Sexual harassment"

ADMINISTRATIVE INQUIRIES AND DISCIPLINARY PROCEDURES

The disciplinary system, which essentially involves administrative inquiries and disciplinary procedures, applies to any failure by a staff member or former staff member to comply with his or her obligations under the Staff Regulations, whether intentionally or through negligence. As explained in the preceding chapters, this can include conduct in private life, such as offences under national criminal law.

7. CONTACTS

Contact person for questions related to the substance of any of the above mentioned ethical issues is Dirk Detken, Head of Unit LPA.

For any procedural questions please write an email to ethics-integrity@efsa.europa.eu

ANNEX 1

STAFF REGULATIONS

Title II: Rights and obligations of officials

Article 11

An official shall carry out his duties and conduct himself solely with the interests of the Communities in mind; he shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Communities.

An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

Article 11a

1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.
2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.
3. 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.

Article 12

An official shall refrain from any action or behaviour which might reflect adversely upon his position.

Article 12a

1. Officials shall refrain from any form of psychological or sexual harassment.
2. An official who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution. An official who has given evidence on psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution, provided the official has acted honestly.
3. "Psychological harassment" means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical

or psychological integrity of any person.

“Sexual harassment” means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.

Article 12

1. Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Communities, shall first obtain the permission of the Appointing Authority. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the institution.
2. An official shall notify the Appointing Authority of any changes in a permitted outside activity or assignment, which occur after the official has sought the permission of the Appointing Authority under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1.

Article 13

If the spouse of an official is in gainful employment, the official shall inform the appointing authority of his institution. Should the nature of the employment prove to be incompatible with that of the official and if the official is unable to give an undertaking that it will cease within a specified period, the appointing authority shall, after consulting the Joint Committee, decide whether the official shall continue in his post or be transferred to another post.

Article 14

Repealed

Article 15

1. An official who intends to stand for public office shall notify the Appointing Authority. The Appointing Authority shall decide, in the light of the interests of the service, whether the official concerned:
 - (a) should be required to apply for leave on personal grounds, or
 - (b) should be granted annual leave, or
 - (c) may be authorised to discharge his duties on a part-time basis, or
 - (d) may continue to discharge his duties as before.
2. An official elected or appointed to public office shall immediately inform the Appointing Authority. The Appointing Authority shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the official is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the official's term of office.

Article 16

An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

Article 17

1. An official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.
2. An official shall continue to be bound by this obligation after leaving the service.

Article 17a

1. An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.
2. Without prejudice to Articles 12 and 17, an official who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Communities shall inform the Appointing Authority in advance.

Where the Appointing Authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Communities, the Appointing Authority shall inform the official of its decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the Appointing Authority shall be deemed to have had no objections.

Article 18

1. All rights in any writings or other work done by any official in the performance of his duties shall be the property of the Community to whose activities such writings or work relate. The Communities shall have the right to acquire compulsorily the copyright in such works.
2. Any invention made by an official in the course of or in connection with the performance of his duties shall be the undisputed property of the Communities. The institution may, at its own expense and on behalf of the Communities, apply for and obtain patents therefore in all countries. Any invention relating to the work of the Communities made by an official during the year following the expiration of his term of duty shall, unless proved otherwise, be deemed to have been made in the course of or in connection with the performance of his duties. Where inventions are the subject of patents, the name of the inventor or inventors shall be stated.
3. The institution may in appropriate cases award a bonus, the amount of which shall be determined by the institution, to an official who is the author of a patented invention.

Article 19

An official shall not, without permission from the appointing authority, disclose on any grounds whatever, in any legal proceedings information of which he has knowledge by reason of his duties. Permission shall be refused only where the interests of the Communities so require and such refusal would not entail criminal consequences as far as the official is concerned. An official shall continue to be bound by this obligation after leaving the service.

The provisions of the preceding paragraph shall not apply to an official or former official giving evidence before the Court of Justice of the European Communities or before the Disciplinary Board of an institution on a matter concerning a servant or former servant of one of the three European Communities.

Article 20

An official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties.

Article 21

An official, whatever his rank, shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.

An official in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibility.

Article 21a

1. An official who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, who shall, if the information is given in writing, reply in writing. Subject to paragraph 2, if the immediate superior confirms the orders and the official believes that such confirmation does not constitute a reasonable response to the grounds of his concern, the official shall refer the question in writing to the hierarchical authority immediately above. If the latter confirms the orders in writing, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards.
2. If the immediate superior considers that the orders must be executed promptly, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the official, the immediate superior shall be obliged to give such orders in writing.

Article 22

An official may be required to make good, in whole or in part, any damage suffered by the Communities as a result of serious misconduct on his part in the course of or in connection with the performance of his duties.

A reasoned decision shall be given by the appointing authority in accordance with the procedure laid down in regard to disciplinary matters.

The Court of Justice of the European Communities shall have unlimited jurisdiction in disputes arising under this provision.

Article 22a

1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which gives rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Communities, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Communities shall without delay inform either his immediate superior or his Director-General or, if he considers it useful, the Secretary-General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) direct.

Information mentioned in the first subparagraph shall be given in writing.

This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of a Member of an institution or any other person in the service of or carrying out work for an institution.

1. Any official receiving the information referred to in paragraph 1 shall without delay transmit to OLAF any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.
2. An official shall not suffer any prejudicial effects on the part of the institution as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he acted reasonably and honestly.
3. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 22b

1. An official/staff member who further discloses information as defined in Article 22a to the President of the Commission or of the Court of Auditors or of the Council or of the European Parliament, or to the European Ombudsman, shall not suffer any prejudicial effects on the part of the institution to which he belongs provided that both of the following conditions are met:

- (a) the official honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
- (b) the official has previously disclosed the same information to OLAF or to his own institution and has allowed the OLAF or that institution the period of time set by the Office or the institution, given the complexity of the case, to take appropriate action. The official shall be duly informed of that period of time within 60 days.

1. The period referred to in paragraph 1 shall not apply where the official can demonstrate that it is unreasonable having regard to all the circumstances of the case.
2. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 23

The privileges and immunities enjoyed by officials are accorded solely in the interests of the Communities. Subject to the Protocol on Privileges and Immunities, officials shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force.

When privileges and immunities are in dispute, the official concerned shall immediately inform the appointing authority.

The laissez-passer provided for in the Protocol on Privileges and Immunities shall be issued to officials in grades grade AD 12 to AD 16 and equivalent grades. Where the interests of the service so require, this laissez-passer may be issued, by special decision of the appointing authority, to officials in other grades whose place of employment lies outside the territory of the Member States.

Article 24

The Communities shall assist any official, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties.

They shall jointly and severally compensate the official for damage suffered in such cases, in so far as the official did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

Article 24a

The Communities shall facilitate such further training and instruction for officials as is compatible with the proper functioning of the service and is in accordance with its own interests.

Such training and instruction shall be taken into account for purposes of promotion in their careers.

Article 24b

Officials shall be entitled to exercise the right of association; they may in particular be members of trade unions or staff associations of European officials.

Article 25

Officials may submit requests concerning issues covered by these Staff Regulations to the Appointing Authority of their institution.

Any decision relating to a specific individual who is taken under these Staff Regulations shall at once be communicated in writing to the official concerned. Any decision adversely affecting an official shall state the grounds on which it is based.

Specific decisions regarding appointment, establishment, promotion, transfer, determination of administrative status and termination of service of an official shall be published in the institution to which the official belongs. The publication shall be accessible to all staff for an appropriate period of time.

Article 26

The personal file of an official shall contain:

- (a) all documents concerning his administrative status and all reports relating to his ability, efficiency and conduct;
- (b) any comments by the official on such documents.

Documents shall be registered, numbered and filed in serial order; the documents referred to in subparagraph (a) may not be used or cited by the institution against an official unless they were communicated to him before they were filed.

The communication of any document to an official shall be evidenced by his signing it or, failing that, shall be effected by registered letter to the last address communicated by the official.

An official's personal file shall contain no reference to his political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

The precedent paragraph shall not however prohibit the insertion in the file of administrative acts and documents known to the official which are necessary for the application of these Staff Regulations.

There shall be only one personal file for each official.

An official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file and to take copies of them.

The personal file shall be confidential and may be consulted only in the offices of the administration or on a secure electronic medium. It shall, however, be forwarded to the Court of Justice of the European Communities if an action concerning the official is brought.

Article 26a

Officials shall have the right to acquaint themselves with their medical files, in accordance with arrangements to be laid down by the institutions.



European Food Safety Authority

EFSA CODE OF GOOD ADMINISTRATIVE BEHAVIOUR

THE MANAGEMENT BOARD,

Having regard to the Treaty of the European Union, and in particular Articles 21 and 195 thereof,

Having regard to Article 41 of the Charter of Fundamental Rights,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹,

Having regard to the own-initiative inquiry of the European Ombudsman into the existence and the public accessibility, in the different Community institutions and bodies, of a Code of good administrative behaviour for agents or other servants in their relations with the public,

Having regard to the proposal from the Executive Director,

WHEREAS the Amsterdam Treaty has explicitly introduced the concept of openness into the Treaty on European Union by stating that it marks a new stage in the process of creating an ever closer union in which decisions are taken as openly as possible and as closely as possible to the citizen,

WHEREAS the Charter of fundamental rights proclaimed at the Nice Summit in December 2000 includes as fundamental rights of citizenship the right to good administration and the right to complain to the European Ombudsman against maladministration,

WHEREAS, in order to bring the administration closer to the citizens and to guarantee a better quality of administration, a Code should be adopted which contains the basic principles of good administrative behaviour for agents and other servants of the Authority when dealing with the public,

¹ OJ L 31 of 1.2.2002, p. 1

Considering it therefore desirable to establish a Code governing the principles of good administrative behaviour which the agents and other servants of the Authority should respect in their relations with the public, and to make this Code publicly available,

HAS DECIDED AS FOLLOWS:

Article 1 -General provision

In their relations with the public, any agent and other servant of the Authority shall respect the principles which are laid down in this Decision and which constitute the Code of good administrative behaviour, hereafter referred to as 'the Code'.

Article 2 -Personal scope of application

The Code shall apply to all agents and other servants to whom the Staff Regulations and the Conditions of employment of other servants apply, in their relations with the public.

The Code shall also apply to Members of the Authority's constitutive bodies when acting for or on behalf of the Authority in their relations with the public.

The Authority will take the necessary measures to ensure that the provisions set out in this Code also apply to other persons working for it, such as persons employed under private law contracts, experts on secondment from national civil services and trainees.

The public refers to natural and legal persons, whether they reside or have their registered office in a Member State or not.

Article 3 -Material scope of application

This Code contains the general principles of good administrative behaviour, which apply to all relations of the Authority's agents and other servants with the public, unless they are governed by specific provisions.

The principles set out in this Code do not apply to the relations between the Authority and its agents and other servants. Those relations are governed by the Staff Regulations.

Article 4 -Lawfulness

The agents or other servants of the Authority shall act according to law and apply the rules and procedures laid down in Community legislation. The agents or other servants of the Authority shall in particular take care that decisions which affect the rights or interests of individuals have a basis in law and that their content complies with the law.

Article 5 -Absence of discrimination

In dealing with requests from the public and in taking decisions, the agents or other servants of the Authority shall ensure that the principle of equality of treatment is respected. Members of the public who are in the same situation shall be treated in a similar manner.

If any difference in treatment is made, the agents or other servants of the Authority shall ensure that it is justified by the objective relevant features of the particular case.

The agents or other servants of the Authority shall in particular avoid any unjustified discrimination between members of the public based on nationality, sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation.

Article 6 – Proportionality

When taking decisions, the agents or other servants of the Authority shall ensure that the measures taken are proportional to the aim pursued. The agents or other servants shall in particular avoid restricting the rights of the citizens or imposing charges on them, when those restrictions or charges are not in a reasonable relation with the purpose of the action pursued.

When taking decisions, the agents or other servants of the Authority shall strike a fair balance between the interests of private persons and the general public interest.

Article 7 -Absence of abuse of power

Powers shall be exercised solely for the purposes for which they have been conferred by the relevant provisions. The agents or other servants of the Authority shall in particular avoid using those powers for purposes which have no basis in the law or which are not motivated by any public interest.

Article 8-Impartiality and independence

The agents or other servants of the Authority shall be impartial and independent. They shall abstain from any arbitrary action adversely affecting members of the public, as well as from any preferential treatment on any grounds whatsoever.

The agents or other servants of the Authority shall not be guided by any outside influences of whatever kind, including political influences, or by personal interests.

The agents or other servants shall abstain from being involved in the taking of a decision on a matter concerning their own interests, or those of their family, relatives, friends and acquaintances.

Article 9 -Objectivity

When taking decisions, the agents or other servants shall take into consideration the relevant factors and give each of them its proper weight in the decision, whilst excluding any irrelevant element from consideration.

Article 10 -Legitimate expectations and consistency

The agents or other servants of the Authority shall be consistent in their own administrative behaviour as well as with the administrative action of the Authority. The agents or other servants shall follow the Authority's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case.

The agents or other servants shall respect the legitimate and reasonable expectations that members of the public have in the light of how the Authority has acted in the past.

Article 11 -Fairness

The agents or other servants of the Authority shall act fairly and reasonably.

Article 12 -Courtesy

The agents or other servants of the Authority shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls and e-mails, the agents or other servants shall try as much as possible to be helpful and to reply to the questions which are asked.

If an agent or other servant is not responsible for the matter concerned, he or she shall direct the citizen to the appropriate agent or other servant.

If an error occurs which negatively affects the rights or interests of a member of the public, the agents or other servants shall apologise for it.

Article 13 -Reply to letters in the language of the citizen

The agents or other servants shall ensure that every citizen of the Union or any member of the public who writes to the Authority in one of the Treaty languages receives an answer in the same language.

Article 14 -Acknowledgement of receipt and indication of the competent agent or other servant

Every letter or complaint to the Authority shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period.

The reply or acknowledgement of receipt shall indicate the name and the telephone number of the agent or other servant who is dealing with the matter, as well as the service to which he or she belongs.

No acknowledgement of receipt and no reply need be sent in cases where letters or complaints are abusive because of their excessive number or because of their repetitive or pointless character.

Article 15 -Obligation to transfer to the competent service of the Authority

If a letter or a complaint to the Authority is addressed or transmitted to a department which has no competence to deal with it, its staff shall ensure that the file is transferred without delay to the competent department of the Authority.

The department which originally received the letter or complaint shall notify the author of this transfer and shall indicate the name and the telephone number of the agent or other servant to whom the file has been passed.

Article 16 -Right to be heard and to make statements

In cases where the rights or interests of individuals are involved, the agents or other servants shall ensure that, at every stage in the decision-making procedure, the rights of defence are respected.

Every member of the public shall have the right, in cases where a decision affecting his rights or interests has to be taken, to submit written comments and, when needed, to present oral observations before the decision is taken.

Article 17 -Reasonable time-limit for taking decisions

The agents or other servants shall ensure that a decision on every request or complaint to the Authority is taken within a reasonable time limit, without delay, and in any case no later than two months from the date of receipt. The same rule shall apply for answering letters from members of the public.

If a request or a complaint to the Authority cannot, because of the complexity of the matters which it raises, be decided upon within the above-mentioned time-limit, the agents or other servants shall inform the author thereof as soon as possible. In that case, a definitive decision should be notified to the author in the shortest time.

Article 18 -Duty to state the grounds of decisions

Every decision, opinion or recommendation of the Authority which may adversely affect the rights or interests of a private person shall state the grounds on which it is based by indicating clearly the relevant facts and the legal basis of the decision.

The agents or other servants shall avoid making decisions which are based on brief or vague grounds or which do not contain individual reasoning.

If it is not possible, because of the large number of persons concerned by similar decisions, to communicate in detail the grounds of the decision and where standard replies are therefore made, the agents or other servants shall guarantee that he subsequently provides the citizen who expressly requests it with an individual reasoning.

Article 19 -Indication of the possibilities of appeal

A decision, opinion or recommendation of the Authority which may adversely affect the rights or interests of a private person shall as appropriate contain an indication of the appeal possibilities available for challenging the decision, opinion or recommendation. It shall in particular indicate the nature of the remedies, the bodies before which they can be exercised, as well as the time limits for exercising them.

Article 20 -Notification of the decision or recommendation

The agents or other servants shall ensure that decisions or recommendations which affect the rights or interests of individual persons are notified in writing, as soon as the decision has been taken, to the person or persons concerned.

The agents or other servants shall abstain from communicating the decision to other sources until the persons or persons concerned have been informed.

Article 21-Data protection

The agents or other servants who deal with personal data concerning a citizen shall respect the principles laid down in the Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and the free movement of such data.

The agents or other servants shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non-authorized persons.

Article 22 -Requests for information

The agents or other servants shall, when they have responsibility for the matter concerned, provide members of the public with the information that they request. They shall ensure that the information communicated is clear and understandable.

If an oral request for information is too complicated or too comprehensive to be dealt with, the agents or other servants shall advise the person concerned to formulate his demand in writing.

If, because of its confidentiality, an agent or other servant may not disclose the information requested, he or she shall, in accordance with Article 18 of this Code, indicate to the person concerned the reasons why he or she cannot communicate the information.

Further to requests for information on matters for which he or she has no responsibility, the agent or other servant shall direct the requester to the competent person and indicate his or her name and telephone number. Further to requests for information concerning another Community institution or body, the agent or other servant shall direct the requester to that institution or body.

Where appropriate, the agent or other servant shall, depending on the subject of the request, direct the person seeking information to the unit or sector responsible for providing information to the public.

Article 23 -Requests for public access to documents

Further to requests for access to documents of the Authority, the agents or other servants shall give access to these documents in accordance with the Decision on access to EFSA documents.

If the agents or other servants cannot comply with an oral request for access to documents, the citizen shall be advised to formulate it in writing.

Article 24 -Keeping of adequate records

The Authority's departments shall keep adequate records of their incoming and outgoing mail, of the documents they receive, and of the measures they take.

Article 25 -Public access to the Code

The Authority will take the necessary measures in order to ensure that this Code enjoys the widest possible publicity amongst the citizens. It will in particular make it available on its Internet site and will provide a copy of this Code to any citizen who requests it.

Article 26 -Right to complain to the European Ombudsman

Any failure of an agent or other servant to comply with the principles set out in this Code may be the subject of a complaint to the European Ombudsman in accordance with Article 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.

Article 27 -Revision

Within two years of entry into force of this Decision, the Executive Director shall submit to the European Ombudsman a report on the implementation of this Decision.

Article 28 -Entry into force

This Decision will take effect from 1 October 2003 and will be published on the Authority's Internet site.

Done at Brussels on 16 September 2003

Dr Stuart Slorach
The Chair

**DECISION OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN FOOD
SAFETY AUTHORITY**

concerning the function of an Ethics Advisor within EFSA

THE EXECUTIVE DIRECTOR OF THE EUROPEAN FOOD SAFETY AUTHORITY,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹, and in particular to Articles 26 and 48 thereof, regarding the role of the Executive Director of the European Food Safety Authority²,

Whereas:

- (1) Ethics, integrity and conduct are essential elements for all staff members, acting in the public interest for the Authority.
- (2) The aforementioned fundamental elements are constitutive for an organisational culture that exemplarily stands for a modern, efficient and service-providing orientated public body. Their implementation requires continuous raising of awareness, guidance, training and regular reminders to promote understanding, and — whenever needed in concrete cases — the provision of specific practical advice to the staff of the Authority. Such approach helps to extensively achieve proper dedication of staff and to accordingly integrate a corresponding policy in the daily work performance of all employees. The successful accomplishment of such a challenging objective appears best to be attainable by means of a ‘single point of contact’ concept.
- (3) A specific ‘Practical Guide to Staff Ethics and Conduct’, dedicated to EFSA staff members, was established during the year 2010. In this Guide the Head of the Legal and Regulatory Affairs Unit is referred to as the contact person for questions related to the implementation of the Guide, reachable also via email to the functional mailbox ethics-integrity@efsa.europa.eu.
- (4) The further implementation of the Guide should be accompanied by the institutionalisation of a centralized contact point, acting as the formal Ethics Advisor of

¹ OJ L 31, 1.2.2002, p. 1.

² In the present Decision also referred to as “the Authority” or “EFSA”.

the Authority. The Ethics Advisor should be in a position to advise staff members and other actors of the Authority's bodies on substance and on the procedure regarding questions related to ethics, conduct and integrity, like e.g. conflicts of interests, planned activities outside the job duties, behaviour and freedom of expression inside and outside the Authority, publication of articles, use of EFSA equipment for private purposes, (intellectual) property in relation to results or achievements reached by carrying out the job duties, obligations after leaving the service, range of immunity coverage and financial liability,

HAS DECIDED AS FOLLOWS:

Article 1

The function of the Ethics Advisor is allocated to the function of the Head of the Legal and Regulatory Affairs Unit.

Article 2

The present Decision shall enter into force on the day of its adoption.

Done at Parma, 29 July 2011

[SIGNED]
Catherine Geslain-Lanéelle
Executive Director