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COMMUNICATION TO THE COMMISSION

**ON THE PUBLICATION OF INFORMATION CONCERNING OCCUPATIONAL
ACTIVITIES OF SENIOR OFFICIALS AFTER LEAVING THE SERVICE
(ARTICLE 16 (3) AND (4) OF THE STAFF REGULATIONS)**

Annual report 2015

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Annual Report 2015

On the basis of Article 16 of the Staff Regulations¹, officials, 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. Those former officials who intend to engage in an occupational activity within two years of leaving the service, shall inform the institution thereof in order to enable it to take an appropriate decision in this respect and, when necessary, to forbid an activity or give the approval subject to appropriate restrictions.

The third paragraph of Article 16 of the Staff Regulations stipulates that for former senior officials, the appointing authority shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

The fourth paragraph of Article 16 of the Staff Regulations foresees that, in compliance with Regulation (EC) N° 45/2001² of the European Parliament and of the Council, each institution shall publish annually information on the implementation of the third paragraph, including a list of the cases assessed.

The Commission explains below the criteria it has chosen in order to ensure the implementation of its obligation, and presents its analysis. In annex to this publication, the Commission provides summary information in relation to the decisions taken under this provision.

The Commission, in its publication, is basing itself on its obligation under the fourth paragraph of Article 16 of the Staff Regulations in combination with Article 5 (a) and (b) of Regulation (EC) N° 45/2001.

¹ As last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p. 15).

² Regulation(EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p.1).

The criteria applied to implement Article 16 (3) of the Staff Regulations

Definition of senior officials

In line with Article 16 (3) the following categories of staff are concerned:

- Directors-General or Deputy Directors-General (including officials that have been called upon to occupy temporarily such posts in accordance with Article 7 (2) of the Staff Regulations) and Advisors “Hors Classe”, having exercised such function at any time during the last 3 years before leaving the service;
- Directors (including officials that have been called upon to occupy temporarily such post in accordance with Article 7 (2) of the Staff Regulations) and Principal Advisers, having exercised such function at any time during the last 3 years before leaving the service;
- Heads of Cabinet, having exercised such function at any time during the last three years before leaving the service.

The decision making procedure in the case of Article 16 (3)

Notifications by former senior managers about an envisaged activity are treated as any such notification by all staff. The Directorate-General for Human Resources and Security receives the notification and collects the views of the former service(s) in which the retired official has worked during the last three years of service, the respective cabinet(s), the Secretariat-General, the Legal Service and the Joint Committee. It is on the basis of these different views that the final decision is taken by the Appointing Authority.

The occupational activities concerned

The activities as described in Article 16 (3) of the Staff Regulations are those which constitute lobbying or advocacy vis-à-vis staff of the former senior manager's former institution for their business, client or employers on matters for which they were responsible during the last three years in the service. Such activities shall in principle be prohibited by the Appointing Authority during the 12 months after leaving the service.

The Commission did not limit its analysis to envisaged activities whose only object or core object would have been lobbying or advocacy activities. Certain notifications concerned activities which, even if lobbying or advocacy was excluded at the point in time of the notification, could, because of their nature, in practice or theoretically give rise to, or entail, lobbying or advocacy as stated in Article 16 (3) of the Staff Regulations. In such instances, the Commission has decided to widen the analysis to take account of these possibilities and to assess the notified activity within the framework of Article 16 (3) of the Staff Regulations.

The Commission further clarifies that the present information covers activities that have been notified and effectively undertaken. In line with the legal provisions in force, it does not cover notifications received and relating to activities which could not, by their very nature, give rise to or entail such lobbying or advocacy.

Number of activities concerned

Bearing in mind that one notification may refer to several activities, and that one decision may likewise cover several activities, the present information is presented by activities examined, so as to provide for an exhaustive overview.

Analysis

The present information covers the cases in which the Appointing Authority has taken a decision in the framework of Article 16 (3) of the Staff Regulations, in the year 2014.

The Commission has received no single notification of an activity where the only or core purpose was that of lobbying or advocacy. There has thus been no corresponding decision of the Appointing Authority.

The Commission has however received notifications concerning nine envisaged activities which, even if lobbying or advocacy was excluded at the point in time of the notification, could because of their nature, in practice, give rise to, or entail, lobbying or advocacy as stated in Article 16 (3) of the Staff Regulations in particular in regard to situations in the future. The Appointing Authority has therefore deemed it advisable, as explained above, to assess these particular activities in the framework set by Article 16 (3) of the Staff Regulations. This has led the Appointing Authority to impose a prohibition of lobbying or advocacy in a conditional authorisation. In other cases, the Appointing Authority reminded the former senior official to bear in mind the rules under Article 16 (3) of the Staff Regulations in the future.

Below are the summaries of the decisions which have been taken in 2014, within the framework of Article 16 (3) of the Staff Regulations.

Summary of relevant Decisions by the Appointing Authority in 2014:

End of service: 30 April 2014

CONCERNS

Mr Jean-Pierre Vandersteen

Former Deputy Director General DG COMM

Former Deputy Director General ad interim DG COMM

NEW ACTIVITY

Independent lawyer

DECISION

Mr Vandersteen sought authorisation to work as an independent professional lawyer, providing legal services and advice.

The Appointing Authority took note that the new activity envisaged by Mr Vandersteen had no links, whether direct or indirect, with his former function.

The Appointing Authority gave its approval to Mr Vandersteen to carry out this activity subject to the following conditions:

- As a former senior manager, Mr Vandersteen should not during the twelve months after leaving the service engage in lobbying or advocacy activities vis-à-vis staff of his former institution for his business, clients or employers on matters for which he was responsible during his last three years of service;
- In this context Mr Vandersteen should give particular attention to not accept, during the twelve months following his departure from the Commission, clients who benefited from decisions made by DG COMM in which he was involved, and that he should not represent, during this same period, clients in areas related to files in which he was involved in his last three years of service.

End of service: 30 September 2013

CONCERNS

Mr Peter Faross

Former Director DG ENER

NEW ACTIVITY

Adviser - Independent service provider to the law firm Kaesler&Kollegen, Germany

DECISION

Mr Faross sought authorisation to work as an independent service provider to Kaesler&Kollegen, providing advice to the Bulgarian government outside the area of nuclear energy, including on public procurement, validity of international agreements etc.

The Appointing Authority took note that Kaesler&Kollegen had neither financial nor contractual relations with the European Commission. The Appointing Authority also took into account that Mr Faross in his new activity may have direct or indirect links with his former or other Commission services as regards legal questions in particular DG MARKT, the Legal Service and DG ENER.

The Appointing Authority gave its approval to Mr Faross to carry out this activity subject to the following conditions:

- Mr Faross should not during the eighteen months after leaving the service engage in any lobbying or advocacy vis-à-vis Commission staff for his new employer on matters for which he was responsible during his last three years of service as Director and Acting Deputy Director general in DG ENER;
- Mr Faross should ensure that his new employer is fully informed about these restrictions that are related to the prevention of any conflict of interest with the legitimate interest of the Commission and that these are fully taken into account when assigning to Mr Faross specific mandates, notably regarding the prohibition to deal with files in which he has been implied in his former functions in DG ENER.

End of service: 30 September 2013

CONCERNS

Mr Peter Faross

Former Director DG ENER

NEW ACTIVITY

Secretary General – UEAPME (European Association of Craft, Small and Medium-sized Enterprises),
Brussels, Belgium

DECISION

Mr Faross sought authorisation to work as Secretary General to UEAPME.

The Appointing Authority gave its approval to Mr Faross to carry out this activity subject to the condition that Mr Faross should not during the twelve months after leaving the service engage in any lobbying or advocacy vis-à-vis former colleagues on matters related to the energy field for his new employer.

End of service: 31 August 2014

CONCERNS

Mr Paul Weissenberg

Former Deputy Director General DG ENER

NEW ACTIVITY

Adviser to the Chief Executive Officer, "Kreditanstalt für Wiederaufbau (KfW) Bankengruppe" in Germany

DECISION

Mr Weissenberg sought authorisation to work as an Adviser to the Chief Executive Officer, "Kreditanstalt für Wiederaufbau (KfW) Bankengruppe" in Germany, providing strategic advice and regular briefings to the CEO on European political matters and developments at national and EU level.

The Appointing Authority took note of the commitment of Mr Weissenberg to neither represent the Bank in Brussels nor undertake any lobbying activity for the Bank. Mr Weissenberg was reminded that he should not engage during the twelve months after leaving the service in any lobbying or advocacy vis-à-vis staff of the Commission on matters for which he was responsible during his last three years of service.

The Appointing Authority gave its approval to Mr Weissenberg to carry out this activity which does not lead to a conflict with the legitimate interests of the Commission.

End of service: 31 December 2013

CONCERNS

Mr Von Bose

Former Director Industrial Technologies DG RTD

NEW ACTIVITY

Board member for St John Eye Hospital, Israel

DECISION

Mr Von Bose sought authorisation to become member of the St John Eye Hospital Board in Israel.

The Appointing Authority gave its approval to Mr Von Bose to carry out both these activities and he was reminded that he should not during the twelve months after leaving the service engage in any lobbying or advocacy vis-à-vis staff of the Commission on matters for which he was responsible during his last three years of service.

End of service: 31 December 2013

CONCERNS

Mr Von Bose

Former Director Industrial Technologies DG RTD

NEW ACTIVITY

Advisory Board Member, ARENA 2036 (public-private partnership programme "Active Research Environment for the Next Generation of Automobiles"), Germany

DECISION

Mr Von Bose sought authorisation to become the Advisory Board of ARENA 2036 in Germany.

The Appointing Authority took note that the activity for ARENA does not relate to the management of research projects funded by DG RTD, or projects in which ARENA was currently or could be involved in the future.

The Appointing Authority gave its approval to Mr Von Bose to carry out this activity and he was reminded that he should not during the twelve months after leaving the service engage in any lobbying or advocacy vis-à-vis staff of the Commission on matters for which he was responsible during his last three years of service.

End of service: 30 April 2014

CONCERNS

Mr Hervé Jouanjean

Former Director General DG BUDG

NEW ACTIVITY

"Off Counsel" - law firm FIDAL, France

DECISION

Mr Jouanjean sought authorisation to work as "Off Counsel" for FIDAL in France.

The Appointing Authority gave its approval to Mr Jouanjean to carry out this activity subject to the following conditions:

- Mr Jouanjean should not during the twelve months after leaving the service engage in any lobbying or advocacy vis-à-vis staff of the Commission for any business or entity including his new employer concerning any issue for which he was responsible during his last three years of service as Director General DG BUDG.
- Mr Jouanjean should abstain during the 2 years after leaving the service from any professional contact with the services for which he had authority while working in DG BUDG in the context of his new activity.
- Mr Jouanjean should ensure that his new employer was informed of the conditions imposed regarding the Commission staff obligations and that his new employer should take them fully into account while defining the future mandates of Mr Jouanjean.

End of service: 30 April 2014

CONCERNS

Mr Reinhard Priebe

Former Director Internal Security DG HOME

NEW ACTIVITY

Professor –European Center for Peace and Development (ECPD), Serbia

DECISION

Mr Priebe sought authorisation to become Professor at the European Center for Peace and Development (ECPD) in Serbia.

The Appointing Authority gave its approval to Mr Priebe to carry out this activity subject to the following conditions:

- The specific task as Contact Point for ECPD in Brussels should be confined to academic purposes and should not involve during the twelve months after leaving the service any lobbying or advocacy vis-à-vis staff of the Commission for his employer on matters for which he was responsible during the last three years of service.
- Mr Priebe should notify the Commission during the first two years after leaving the service if he would engage in any other tasks with ECPD.

End of service: 30 April 2014

CONCERNS

Mr Reinhard Priebe

Former Director Internal Security DG HOME

NEW ACTIVITY

Advisor/member of the Advisory Board – European Privacy Seal EuroPriSe, Germany

DECISION

Mr Priebe sought authorisation to become an advisor/member of the Advisory Board for the European Privacy Seal EuroPriSe in Germany.

The Appointing Authority gave its approval to Mr Priebe to carry out this activity subject to the condition that Mr Priebe should not during the twelve months after leaving the service engage in any lobbying activities vis-à-vis staff of the Commission on matters for which he was responsible during his last three years in the service.