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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, FOURTH PARAGRAPH OF THE STAFF REGULATIONS)**

**2024 Annual report**

## COMMUNICATION TO THE COMMISSION

### ON THE PUBLICATION OF INFORMATION CONCERNING OCCUPATIONAL ACTIVITIES OF SENIOR OFFICIALS AFTER LEAVING THE SERVICE (ARTICLE 16, FOURTH PARAGRAPH OF THE STAFF REGULATIONS)

#### 2024 Annual report

In line with Article 16 of the Staff Regulations<sup>1</sup>, after leaving the service, officials continue to be bound by the duty to behave with integrity and discretion regarding the acceptance of certain appointments or benefits. Former officials who intend to take up an occupational activity within 2 years after leaving the service must inform their former EU institution so that it can take an appropriate decision in this respect. The institution concerned can prohibit an activity or give its approval subject to appropriate restrictions where relevant.

The third paragraph of Article 16 of the Staff Regulations states that the Appointing Authority must, in principle, prohibit former senior officials, during the 12 months after leaving the service, from engaging in lobbying or advocacy towards staff of their former institution for their business, clients or employers, on matters for which they were responsible during their last 3 years of service.

While complying with data protection rules<sup>2</sup>, the fourth paragraph of Article 16 of the Staff Regulations requires each institution to publish information annually on the implementation of the third paragraph, including a list of the cases assessed.

To meet this requirement, Section 1 of the report sets out the criteria that the Commission has used to ensure the correct implementation of Article 16 and Section 2 sets out an analysis of the occupational activities declared by former senior officials in 2023. The Annex to the report provides summary information on the Commission decisions taken under Article 16.

This is the tenth annual report published by the Commission, in line with its obligations under the fourth paragraph of Article 16 of the Staff Regulations.

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<sup>1</sup> 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).

<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

## **1. Criteria applied to implement the third paragraph of Article 16 of the Staff Regulations**

### ***1.1. Definition of senior officials***

In line with the third paragraph of Article 16 of the Staff Regulations, the following categories of staff are concerned:

- Directors-General or Deputy Directors-General (including officials that were called upon to occupy temporarily such posts in line with Article 7(2) of the Staff Regulations) and ‘Hors Classe’ Advisers who exercised these functions at any time during the last 3 years before they left the service;
- Directors (including officials that were called upon to occupy temporarily such a post in line with Article 7(2) of the Staff Regulations) and Principal Advisers who exercised these functions at any time during the last 3 years before they left the service;
- Heads of Cabinet who exercised this function at any time during the last 3 years before they left the service.

### ***1.2. Definition of lobbying and advocacy***

Activities giving rise to lobbying or advocacy are defined in the Transparency Register established under the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 20 May 2021<sup>3</sup> (see its Article 3 ‘Activities covered’ and its Article 4 ‘Activities not covered’).

For the purposes of assessing occupational activities after leaving the service, lobbying and advocacy activities towards the Commission include all activities carried out to influence the formulation or implementation of policy, legislation, or the Commission's decision-making processes.

The third paragraph of Article 16 of the Staff Regulations refers to former senior officials’ activities, which constitute lobbying or advocacy towards staff of their former institution for their business, clients, or employers on matters for which they were responsible during the last 3 years of service. Such activities must, in principle, be prohibited by the Appointing Authority during the 12 months after the former senior official leaves the service.

The Commission does not limit its analysis to the declared activities the sole or core purpose of which would be lobbying or advocacy. The analysis also includes activities that could, because of their nature, give rise to or entail lobbying or advocacy, even if lobbying or advocacy was excluded at the time the declaration was made by the (former) staff member. This broader assessment helps the Commission to limit potential risks.

In line with the rules in force, the analysis does not cover declarations received for activities that could not, by their very nature, give rise to or entail lobbying or advocacy.

### ***1.3. Temporal scope***

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<sup>3</sup> Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register

The third paragraph of Article 16 of the Staff Regulations applies for 12 months after senior officials leave the service.

#### 1.4. The decision-making procedure for Article 16 of the Staff Regulations for former senior officials

The Commission's Directorate-General for Human Resources and Security (DG HR) receives the declaration from the former staff member. DG HR then collects the views of the department(s) in which the former senior official worked during the last 3 years of service, the respective cabinet(s), the Secretariat-General, the Legal Service and the Joint Committee. The Appointing Authority takes its final decision based on their views.

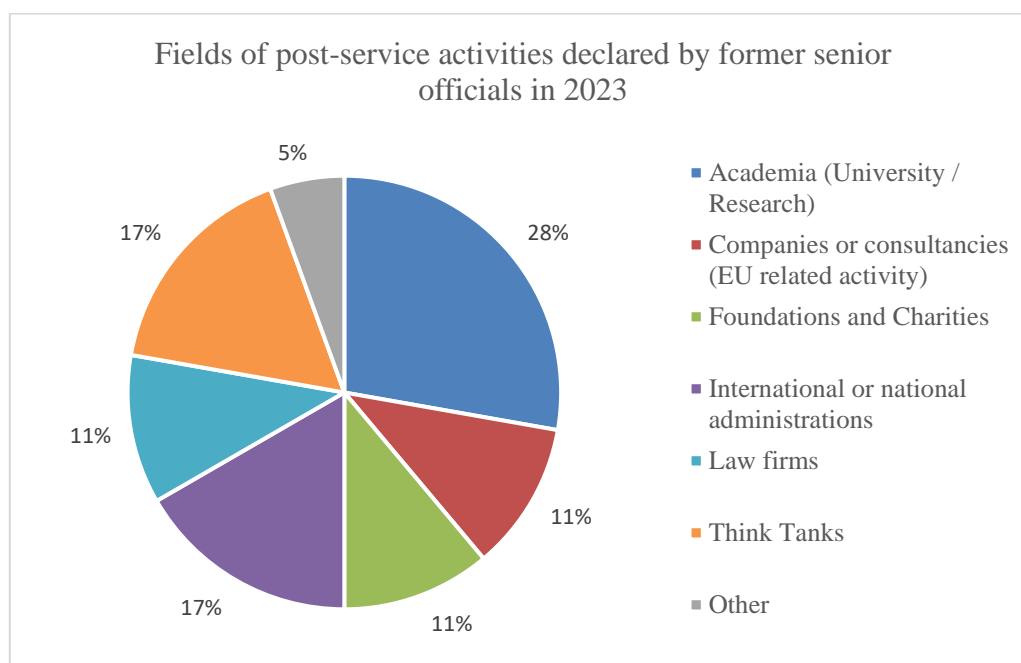
## 2. Analysis

### 2.1. Occupational activities declared by former senior officials in 2023

In 2023, 11 former Commission senior officials declared 18 post-service activities under Article 16 of the Staff Regulations.

One decision covered four activities. Therefore, in 2023, the Commission adopted 15 decisions covering those 18 post-service activities of former senior officials under Article 16 of the Staff Regulations.

For the purposes of reporting and statistical analysis over time, the fields covered by the 18 declared post-service activities have been grouped into 7 different categories, as shown in the pie chart below.



### 2.2. Occupational activities falling within the scope of this report

Of the 18 post-service activities declared by former senior officials in 2023, 2 were carried out outside the relevant 12-month period.

Of the remaining 16 activities, 5 were considered to potentially give rise to or entail lobbying or advocacy towards staff of the former senior officials' institution on matters for which they were responsible during their last 3 years of service. The Appointing Authority decided fully to prohibit one of those 5 activities, which would have taken place within the 12 months after leaving the service.

The Appointing Authority authorised the other four post-services activities to be carried out on condition that the former senior officials concerned did not engage, during 12 months after leaving the service, in lobbying or advocacy towards Commission staff on matters for which they had been responsible during the last 3 years of service. The Appointing Authority also imposed other proportionate restrictions and conditions on those activities. A summary of the Appointing Authority's decisions on those four activities, which were actually undertaken, is provided in this report.

### *2.3. Occupational activities falling outside the scope of this report*

On the activities outside the temporal scope of the third paragraph of Article 16 of the Staff Regulations and the activities that did not (even potentially) give rise to or entail lobbying or advocacy, the Appointing Authority, where appropriate, imposed proportionate restrictions. These included restrictions on professional contacts with former colleagues, obligations not to deal with certain files or requirements on the duties of discretion and confidentiality. However, none of these activities fall within the scope of this report, which is limited to the reporting obligation set out in the fourth paragraph of Article 16 of the Staff Regulations.

## **3. Conclusion**

The Annex below summarises the four decisions taken under the third paragraph of Article 16 of the Staff Regulations on the post-service activities, which were going to be performed within 12 months after leaving the service and were actually undertaken.

In those decisions, the Appointing Authority considered that, even if lobbying or advocacy were excluded at the time the (former) senior officials submitted their declarations, the activities could, because of their nature, give rise to or entail lobbying or advocacy, as stated in the third paragraph of Article 16 of the Staff Regulations. Those activities were therefore authorised on condition that they do not entail lobbying or advocacy and were subject to other relevant restrictions.

## **ANNEX - Summary of relevant Decisions by the Appointing Authority in 2023:**

End of Service: 31 December 2022

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### **CONCERNS**

Mr ALEXIS Alain

Former Director (ad interim) in the Directorate-General for Defence Industry and Space (DG DEFIS)

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### **NEW ACTIVITIES**

Speaker or moderator in public conferences for AVISA Partners, A3 Consulting or in his personal capacity

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### **DECISION**

Mr Alexis sought authorisation to perform an occupational activity, potentially remunerated, for an indefinite period, as speaker or moderator in public conferences on non-defence topics. This activity could be performed as part of his work for AVISA Partners or via his own consultancy company A3Consulting, activities for which he received two authorisations from the European Commission in 2022. It could also be performed in Mr Alexis' own capacity.

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

- As a former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during 12 months after leaving the service, Mr Alexis was not allowed to engage in lobbying or advocacy on behalf of AVISA, A3 Consulting or their clients, vis-à-vis staff of the Commission on matters for which he had been responsible during the last 3 years of service.
- During 24 months after leaving the service, Mr Alexis was required that his participation as speaker or moderator in conferences be limited to topics not related (directly or indirectly) to defence, space, civil aeronautics, civil space, and/or to defence industry and market funding, or policy files that had fallen under his responsibility during the last 3 years of service.
- In addition, during the first 24 months after leaving the service, Mr Alexis was requested to abstain from participating (or, if needed, withdraw his participation) in any public conference on non-defence and non-space topics, which included as speaker or panellist any staff of DG DEFIS, its responsible Cabinet, and/or any other Commission staff involved in defence, space, civil aeronautics, civil space, and/or in defence industry and market funding, or policy files that had fallen under his responsibility during the last 3 years of service. This obligation was imposed given that there were already other Appointing Authority decisions in force at the time imposing a restriction on professional contacts in relation to his work at AVISA and A3 Consulting.

- Mr Alexis was furthermore required to refrain from any unauthorised disclosure of information received in the line of duty during his work at the Commission, unless that information was already made public or was accessible to the public (Article 17 of the Staff Regulations). In this context, Mr Alexis was required to refrain from exploiting insights of confidential nature in policy, strategy or internal processes that he may have acquired in the line of duty and which had not yet been made public, or were not available in the public domain.
- Mr Alexis was also required to make it clear to his interlocutors that this activity was carried out in his personal capacity, not representing in any way the position or interests of the Commission. He was thus asked to refrain from associating his former position at the European Commission with his new role and tasks as speaker or moderator in conferences for AVISA, A3 Consulting, or when intervening in his private capacity.
- It was underlined to Mr Alexis that, under the first paragraph of Article 16 of the Staff Regulations, he continued to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits from any new employer or its clients, to avoid any situation which might create a risk of real, potential or perceived conflict of interests. This duty also covered, to the extent possible, any public communication or announcement on his new employment or on the services he would deliver.
- Finally, Mr Alexis was requested to make the abovementioned restrictions and obligations transparent to AVISA and A3 Consulting for which he may have been requested to participate as moderator or speaker in conferences.

Mr Alexis was reminded of all other applicable provisions of the Staff Regulations.

In addition, he was requested to check with the services of the Directorate-General of Human Resources and Security of the Commission in case of doubt as to whether he should participate in a conference as a moderator or speaker. Finally, he was reminded that the two earlier decisions related to his work at AVISA and A3 Consulting remained applicable, and that the obligations and restrictions indicated therein continued to apply.

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End of Service: 30 April 2023

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## **CONCERNS**

Mr BUTI Marco

Former Head of Cabinet of the Commissioner for Economy

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## **NEW ACTIVITY**

Senior non-resident research fellow at Bruegel

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## **DECISION**

Mr Buti sought authorisation to perform an unremunerated occupational activity as senior non-resident research fellow at the think tank Bruegel, in Brussels, to contribute to analytical reflections of Bruegel on economic matters.

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

- As former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during 12 months after leaving the service, Mr Buti was not allowed to engage in lobbying or advocacy vis-à-vis staff of the Commission, on behalf of Bruegel or its members, on matters for which he had been responsible during his last 3 years of service.
- During 2 years after leaving the service, Mr Buti was required to abstain from having professional contacts, whether direct or indirect, on behalf of Bruegel or its members, with former colleagues in the Cabinet and other services for which it was responsible, in particular with the Directorate-General for Economic and Financial Affairs.
- In the framework of his activity for Bruegel, and up to 2 years after leaving the service, Mr Buti was required to abstain from being involved and contributing to the preparation or submission of any funding proposals to the European Commission.
- It was underlined to Mr Buti that, even after leaving the service, he remained bound by the statutory obligation to refrain from any unauthorised disclosure of information received in the line of duty during his work at the Commission, unless that information had already been made public or was accessible to the public, as per Article 17 of the Staff Regulations. In this context, Mr Buti was required to refrain from exploiting insights of confidential nature in policy, strategy, or internal processes that he may have acquired in the line of duty, and that had not yet been made public or were not commonly available in the public domain.
- In consideration of his duty to behave, after leaving the service, with integrity and discretion as regards the acceptance of certain appointments or benefits, Mr Buti was reminded to avoid any situation that might have created a risk of real, potential or perceived conflict of interests.



- In addition, Mr Buti was reminded to make it clear to his interlocutors that this activity was carried out in his personal capacity, not representing in any way the position or interests of the Commission.
- Finally, Mr Buti was required to inform Bruegel about the above-listed conditions and obligations.

Mr Buti was reminded of all other applicable provisions of the Staff Regulations.

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End of Service: 31 August 2022

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## **CONCERNS**

Mr MUELLER Wolfgang

Former Director (ad interim) in the Directorate-General for Trade (DG TRADE)

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## **NEW ACTIVITY**

Senior Consultant at Association d'Avocats Gide Loyrette Nouel (GIDE), in Brussels

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## **DECISION**

Mr Mueller sought authorisation to perform a remunerated occupational activity for a period of 2 years as senior consultant for the Association d'Avocats Gide Loyrette Nouel (hereafter: GIDE), in Brussels, to participate in the development of the European and international economic law practice of the Brussels-based office of GIDE.

The Appointing Authority gave its approval to Mr Mueller subject to the following conditions:

- As a former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during the 12 months after leaving the service, Mr Mueller was not allowed to engage in actions entailing lobbying or advocacy on behalf of GIDE and its clients, vis-à-vis staff of the Commission on matters for which he had been responsible during the last 3 years of service.
- During the 24 months after leaving the service, Mr Mueller was required to abstain from having professional contacts (including any oral or written contacts), whether direct or indirect, on behalf of GIDE and its clients, with former colleagues in DG TRADE and of other Commission services which had been or were involved in trade defence cases or policy files.
- The work performed during Mr Mueller's activity was not to concern directly or indirectly any cases or policy files that had fallen under his responsibility while he had been working in DG TRADE, or any cases directly related to them. This included appeals brought before the European Courts against decisions of the European Commission.
- Regarding his potential clients, Mr Mueller was required to comply with the duty to behave with integrity and discretion as regards the acceptance of certain clients, in order to avoid casting retroactively doubt on his impartiality while he was in service. As a consequence, Mr Mueller was not allowed to accept as clients, during 2 years after leaving the service, any of the companies which, as major stakeholders in his former field of responsibility, actively participated in any high profile trade defence cases which had been decided, or on which he had taken a position, when he was responsible for these trade defence instruments in his last 3 years of service.
- In addition, following the duties stemming from the first paragraph of Article 16 of the Staff Regulations, Mr Mueller was required to refrain from advising or working

on behalf of any of his clients on particular files or matters (for example: contracts, policy files, grants, cases, claims, investigations, ongoing legislative procedures), in which he had participated personally and substantially, and that would have entailed relying upon information received in the line of duty which had not been made public.

- It was also underlined to Mr Mueller that he remained bound by the obligation to refrain from any unauthorised disclosure of information received in the line of duty during his work at the Commission, unless that information had already been made public or was accessible to the public (Article 17 of the Staff Regulations). In this context, Mr Mueller was required to refrain from exploiting insights of confidential nature in policy, strategy or internal processes that he may have acquired in the line of duty, and that had not yet been made public or were not commonly available in the public domain.
- Mr Mueller was also requested to abstain from being involved and contributing to the preparation or submission of any funding proposals to the European Commission on behalf of GIDE, in the framework of his envisaged activity and up to 2 years after leaving the service.
- Finally, he was requested to make the abovementioned restrictions and obligations transparent to GIDE as well as to its clients.

Mr Mueller was reminded of all other applicable provisions of the Staff Regulations.

In case of doubt as to whether he was to accept a company as client and, in particular, on the definition of 'high-profile' cases, he was requested to check with DG HR.

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End of Service: 28 February 2023

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## **CONCERNS**

Mr PENCH Lucio

Director in the Directorate-General for Economic and Financial Affairs (DG ECFIN)

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## **NEW ACTIVITY**

Senior non-resident research fellow at Bruegel

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## **DECISION**

Mr Pench sought authorisation to perform a remunerated occupational activity as senior non-resident research fellow at the think tank Bruegel, in Brussels for an indefinite period. This position entailed carrying out research on economic topics, including publishing papers.

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

- As a former senior manager, according to the third paragraph of Article 16 of the Staff Regulations, during the 12 months after leaving the service, Mr Pench was not allowed to engage in any actions entailing lobbying or advocacy vis-à-vis his former colleagues and the Commission on behalf of Bruegel and its members.
- During 2 years after leaving the service, Mr Pench was required to abstain from having professional contacts, whether direct or indirect, with former colleagues in DG ECFIN on behalf of Bruegel.
- In the framework of this activity, and up to 2 years after leaving the service, Mr Pench was required to abstain from being involved and contributing to the preparation or submission of any funding proposals to the European Commission.
- It was also underlined to Mr Pench that, even after leaving the service, he remained bound by the obligation to refrain from any unauthorised disclosure of information received in the line of duty during his work at the Commission, unless that information had already been made public or was accessible to the public (Article 17 of the Staff Regulations). In this context, Mr Pench was required to refrain from exploiting insights of confidential nature in policy, strategy or internal processes that he may have acquired in the line of duty, and that were not yet public or were not commonly available in the public domain.
- Finally, Mr Pench was requested to inform Bruegel about the above-listed conditions and obligations.

Mr Pench was reminded of all other applicable provisions of the Staff Regulations.