



**COMMUNICATION ON THE PUBLICATION OF INFORMATION
CONCERNING THE PROFESSIONAL ACTIVITIES OF FORMER SENIOR
OFFICIALS AFTER THEY HAVE LEFT THE SERVICE**
Article 16, third and fourth paragraphs, of the Staff Regulations

2017 Annual Report

1. Regulatory framework

Under Article 16 of the Staff Regulations, after leaving the service, officials continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits. Any former officials who intend to engage in an occupational activity within two years of leaving the service must inform their former institution accordingly so that it can take an appropriate decision in this respect and, where necessary, forbid an activity or grant approval subject to appropriate restrictions.

The third paragraph of Article 16 of the Staff Regulations stipulates that, in principle, the Appointing Authority will prohibit former senior officials, 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 their last three years in the service.

The fourth paragraph of Article 16 of the Staff Regulations requires each institution, in compliance with Regulation (EC) No 45/2001¹ of the European Parliament and of the Council, to publish annually information on the implementation of the third paragraph, including a list of the cases assessed.

Below, the European Court of Auditors explains the criteria it has chosen in order to ensure the implementation of this obligation and presents its analysis. In annex to this publication, the Court provides summary information regarding the decisions taken under this provision.

In its publication, the Court bases 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 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).

2. Criteria applied for the implementation of Article 16 (3) of the Staff Regulations

Definition of senior officials

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

- The Secretary-General
- Directors
- Special Advisors
- The Heads of the Private offices of the Members²

Period concerned

The third paragraph of Article 16 of the Staff Regulations refers to an outside activity exercised by former senior officials 'during the 12 months after leaving the service'.

This is the period, therefore, which needs to be taken into account for the purposes of the publication provided for in the fourth paragraph of Article 16.

Occupational activities concerned

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

The Court did not limit its analysis to occupational activities whose only subject or core subject would have been lobbying or advocacy activities. In the context of the third paragraph of Article 16 of the Staff Regulations, it also considered activities which, although they do not involve lobbying or advocacy at the time the declaration is submitted, could in practice or in theory do so in the future.

The Court further clarifies that the present information does not cover declarations received and relating to activities which could not, by their very nature, give rise to or entail such lobbying or advocacy.

The Court publishes information on its website ([Transparency - ethics webpage](#)) regarding the application of the third paragraph of Article 16 of the Staff Regulations, including a list of the occupational activities assessed by the Appointing Authority and the names of the former senior officials concerned, as soon as the decisions have been taken.

An annual report on the implementation of the third paragraph of Article 16 of the Staff Regulations is only published when senior officials have left the Court and occupational activities have been approved during that year.

² The definition of senior officials was extended to the Heads of the Private Offices on 1 September 2017; before this date, they were not included.

Decision making procedure in respect of Article 16 (3)

Declarations by former senior officials about occupational activities after leaving the Court of Auditors are treated in the same way as any such declarations by other staff.

The Directorate of Human Resources, Finances and General Services receives the declaration and, if there is a possible direct and/or indirect link between the activity and duties of the former senior official during the last three years at the Court or his/her former service or other Court's services, collects the views of the former service(s) in which the former official worked during the last three years of service and the opinion of the Legal Service of the Court. When needed, the Joint Committee is also consulted. It is on the basis of these different views that the final decision is taken by the Appointing Authority.

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.

3. Specific cases

This communication concerns activities which were declared and actually engaged in by the former officials in question.

In 2014 and 2015, no senior officials left the European Court of Auditors.

In 2016, the European Court of Auditors received no requests from former senior officials for authorisation to engage in occupational activities.

In 2017, one former senior official declared his intention to engage in two occupational activities. The senior official left the Court in 2017; his requests for authorisation to engage in these occupational activities were thus submitted within 12 months of his leaving the service.

The two declared activities are listed below:

End of service 31.07.2017**Concerns**

Mr Neil Usher

Former Director of the Directorate of the audit Quality Control Committee and Principal adviser (grade AD15)

New activities

Member Forum for INTOSAI Professional Pronouncements – INTOSAI Standard Setting Board, representing the European Court of Auditors

Committee Member – Learning and Standards Committee and Projects Committee at the St George's International School, Luxembourg.

Decision

For neither of the two declared occupational activities did the scope involve lobbying or advocacy towards the Court's staff. The Appointing Authority did not take any decision to forbid or to limit the performance of these activities in accordance with Article 16 of the Staff Regulations.