



EUROPEAN
COURT
OF AUDITORS

**COMMUNICATION ON THE PUBLICATION OF INFORMATION
CONCERNING OCCUPATIONAL ACTIVITIES OF SENIOR
OFFICIALS AFTER LEAVING THE SERVICE
*Article 16 (3) and (4) of the Staff Regulations***

2018 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, so that it can decide whether to forbid it or grant approval (subject to restrictions, where appropriate).

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 (EU) 2018/1725¹ 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 applies to ensure the implementation of its obligation and presents its analysis. In this communication, the Court summaries the related decisions taken.

The Court bases its disclosure on the fourth paragraph of Article 16 of the Staff Regulations, in combination with Regulation (EU) 2018/1725.

¹ 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.

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
- Heads of Members' Private Offices²

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".

Therefore, this is the period taken into account for the purposes of the disclosure required in the fourth paragraph of Article 16.

Occupational activities concerned

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

The Court does not limit itself to analysing only appointments involving lobbying or advocacy as their core activity. In the context of the third paragraph of Article 16 of the Staff Regulations, it also considers activities which, although they do not involve lobbying or advocacy at the time the declaration is submitted, could, in theory, do so in future.

The information presented below does not cover declarations received in relation to activities which, by their very nature, do not entail lobbying or advocacy.

On its website the Court publishes information ([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.

An annual report on the implementation of the third paragraph of Article 16 of the Staff Regulations is published for the occupational activities that have been approved that year.

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

Decision-making procedure in respect of Article 16 (3)

Declarations of occupational activities by senior officials having left the Court are treated in the same way as any declaration of an outside occupational activity by former staff.

The Directorate of Human Resources, Finances and General Services receives the declaration. If there is a possible direct or indirect link between the activity and the duties of the former senior official during their last three years at the Court, or between this activity and the work of their former service or that of the Court, it asks the former official's former service(s) and the Legal Service for an opinion. Where necessary, the Joint Committee is also consulted. It is on the basis of these different views that the Appointing Authority takes its final decision.

Number of activities concerned

Bearing in mind that each notification (and so each decision) may refer to multiple activities, the information below is broken down by activity examined, so as to provide an exhaustive overview.

3. Specific cases

This communication concerns activities which former officials declared and subsequently actually carried out.

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 2017³, one former senior official declared his intention to engage in two occupational activities. Since the senior official left the Court in 2017, his requests were duly submitted within 12 months of leaving the service.

In 2018, three former senior officials declared their intention to engage in occupational activities. Since one of these officials had left the Court in 2017 and the other two in 2018, their requests for authorisation were duly submitted within 12 months of leaving the service.

The declared activities are listed below.

End of service: 31 July 2017

Former official

Neil Usher

Former Director of the Directorate of Audit Quality Control Committee and Principal Adviser (grade AD15)

New activities

Providing advice and assistance to the INTOSAI Development Initiative with regard to its capacity-building projects at Supreme Audit Institutions

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

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

Decision

Since none of the three declared occupational activities involved lobbying or advocacy vis-à-vis Court staff, the Appointing Authority saw no reason to forbid or limit their performance in accordance with Article 16 of the Staff Regulations.

³ The definition of senior officials was extended to Heads of Private Offices on 1 September 2017; before this date, they were not included.

End of service: 28 February 2018

Former official

Meletios Stavrakis

Former Director of the Internal Audit Service (grade AD15)

New activity

Advising on HR management and organising events at the Eugenides Foundation, Athens

Decision

Since the declared occupational activity did not involve lobbying or advocacy vis-à-vis Court staff, the Appointing Authority saw no reason to forbid or limit its performance in accordance with Article 16 of the Staff Regulations.

End of service: 31 October 2018

Former official

Ioulia Papatheodorou

Former Head of Private Office (grade AD14)

New activity

Judge at the Hellenic Court of Audit: settling disputes, deliberating, handing down judicial decisions on the pensions of public officials under the Greek Pension Scheme.

Decision

Since the declared occupational activity did not involve lobbying or advocacy vis-à-vis Court staff, the Appointing Authority saw no reason to forbid or limit its performance in accordance with Article 16 of the Staff Regulations.