



EUROPEAN
COURT
OF AUDITORS

**COMMUNICATION ON THE PUBLICATION OF INFORMATION
CONCERNING OCCUPATIONAL ACTIVITIES OF SENIOR
OFFICIALS AFTER LEAVING THE SERVICE**
Third and fourth paragraphs of Article 16 of the Staff Regulations

2020 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 information annually 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 the third paragraph of Article 16 of the Staff Regulations, 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

The third paragraph of Article 16 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 the third paragraph of Article 16

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 2020, two former senior officials left the ECA, one of whom declared his intention to engage in occupational activities. Since this official left the Court in 2020, his request for authorisation was duly submitted within 12 months of leaving the service.

The following paragraphs list the details of the two former senior officials and the activity declared by one of them.

End of service: 31.05.2020

Former official

Eduardo RUIZ GARCÍA

Former ECA Secretary General (grade AD 16)

New activity

Training program coordinator – Castilla La Mancha University – Spain, Member of the Advisory Board – FIASEP Foundation, Spain, Manager Bilateral Support – INTOSAI Development Initiative, Norway

Decision

Since the declared occupational activities did not involve lobbying or advocacy vis-à-vis Court staff, the Appointing Authority saw no reason to forbid or limit their performance under Article 16 of the Staff Regulations.

End of service: 31.12.2020

Former official

Philippe FROIDURE

Former Director of Chamber III – External action, security and justice, former ECA ad-interim Secretary General

New activity

N/A

Decision

N/A