



Brussels, 22.12.2017  
C(2017) 9030 final

**COMMUNICATION TO THE COMMISSION**

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

## COMMUNICATION TO THE COMMISSION

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

#### Annual Report 2017

On the basis of Article 16 of the Staff Regulations<sup>1</sup>, 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° 45/2001<sup>2</sup> 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.

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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(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 the third paragraph of Article 16 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 “Hors Classe” Advisors, having exercised such function at any time during the last three 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 three 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 the third paragraph of Article 16, of the Staff Regulations

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 the third paragraph of Article 16 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, actually or potentially give rise to, or entail, lobbying or advocacy as stated in the third paragraph of Article 16 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 the third paragraph of Article 16 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.

The present publication represents the third annual information released by the Commission on the implementation of the third and fourth paragraphs of Article 16 of the Staff Regulations.

*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 the third paragraph of Article 16, of the Staff Regulations, in the year 2016.

The Commission did not receive any 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 6 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 the third paragraph of Article 16 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 the Third paragraph of Article 16, 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 the third paragraph of Article 16 of the Staff Regulations in the future.

The 5 decisions<sup>3</sup> which have been taken in 2016, in line with the third paragraph of Article 16, of the Staff Regulations are summarised below.

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<sup>3</sup> One decision covers two different activities

## **Summary of relevant Decisions by the Appointing Authority in 2016:**

**End of service: 30 September 2015**

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### **CONCERNS**

Ms Christina Tufvesson

Former Principal Legal Adviser ad interim - Legal Service

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### **NEW ACTIVITY**

Adviser for the IM Swedish Development Partner in Lund, Sweden and legal adviser for the Foundation "Kvinna till Kvinna" in Johanneshov, Sweden

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### **DECISION**

Ms Christina Tufvesson sought authorisation to become an adviser for the IM Swedish Development Partner in Lund, Sweden and a legal adviser for the Foundation "Kvinna till Kvinna" in Johanneshov, Sweden.

The Appointing Authority gave its approval to Ms Christina Tufvesson to carry out these activities. As she was a former Principal Legal Adviser ad interim, according to Article 16(3) of the Staff Regulations she was not allowed, during the 12 months after leaving the service, to engage in lobbying or advocacy vis-à-vis staff of the Commission on matters for which she was responsible during the last three years of service. Ms Christina Tufvesson was also reminded of the applicable Staff Regulations provisions.

**End of service: 31 March 2016**

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## **CONCERNS**

Mr Peter Balas

Former Deputy Director-General DG TRADE

Former Hors Classe Adviser, DG DEVCO, DG NEAR, DG TRADE

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## **NEW ACTIVITY**

Senior researcher scholar at the Institute for Applied Systems Analysis ( IIASA) in Austria

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## **DECISION**

Mr Peter Balas sought authorisation to work for an initial period of nine months as a senior researcher scholar at IIASA to elaborate an overall framework and conceptual approach.

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

- As a former senior manager, Mr Peter Balas should refrain from having professional contacts with former DG TRADE colleagues regarding policy questions linked to Russia, Ukraine and the Eurasian Union for a period of 12 months after leaving the Commission in order to avoid any risk of conflict of interest
- According to Article 16(3) of the Staff Regulations, Mr Peter Balas was not allowed, during the 12 months after leaving the service, to engage in lobbying or advocacy vis-à-vis staff of the Commission on matters for which he was responsible during the last three years in the service. as Deputy Director-General and Hors Classe Adviser for DG TRADE.

This authorisation, inclusive of all the mitigating measures imposed, was confirmed on the occasion of the requested authorisation to continue, on the same terms, the activity beyond the initial period of nine months.

**End of service: 31 March 2016**

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## **CONCERNS**

Mr Peter Balas

Former Deputy Director-General DG TRADE

Former Hors Classe Adviser, DG DEVCO, DG NEAR, DG TRADE

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## **NEW ACTIVITY**

Independent contractor - senior policy adviser- on regulatory aspects of multilateral and bilateral trade policy - for Covington, Brussels

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## **DECISION**

Mr Peter Balas sought authorisation to work as an independent contractor - senior policy adviser- on regulatory aspects of multilateral and bilateral trade policy - for Covington, Brussels.

The Appointing Authority took note of the commitment of Mr Peter Balas not to be involved in any Trade Defence cases brought against the European Union, or any WTO cases brought against the European Union or one of its Member States.

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

- Mr Peter Balas should not for a period of 12 months after leaving the service, engage in lobbying or advocacy vis-à-vis staff of the Commission on behalf of his future employer on matters for which he was responsible during the last three years in the service.
- Mr Peter Balas should ensure that during the first two years after leaving the service he would not have any professional contacts with DG TRADE staff in the context of his new activity.
- Mr Peter Balas, in addition to his commitment, should not during the first two years after leaving the service, be involved in any Trade Defence or WTO cases launched by the European Commission.
- Mr Peter Balas should ensure that, in addition to his agreement with Covington on certain restrictions mentioned in his application, his future employer is also informed of the other restrictions which apply to him.

**End of service: 30 September 2016**

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## **CONCERNS**

Mr Robert Madelin

Former Director-General for DG CNECT

Former Senior Adviser for the European Political Strategy Centre

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## **NEW ACTIVITY**

Director of his own company EUROHUMPH SPRL (Société Privée à Responsabilité Limitée) in Brussels.

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## **DECISION**

Mr Robert Madelin sought authorisation to work as Director of his own company EUROHUMPH SPRL.

The Appointing Authority took note of Mr Robert Madelin's commitment, for a period of one year after leaving the service, to refrain from being involved in any issue or discussion relating to call for proposals falling under the scope of DG CNECT Research and Innovation Horizon 2020 Work programmes 2016 and 2017, and from participating in any project funded by the EU Research and Innovation Horizon 2020 programme.

The Appointing Authority gave its approval to Mr Robert Madelin to carry out this activity subject to the following restrictions:

- Mr Robert Madelin should extend to 18 months his commitment to refrain from being involved in any issue or discussion relating to call for proposals falling under the scope of DG CNECT Research and Innovation Horizon 2020 Work programmes 2016 and 2017, and from participating in any project funded by the EU Research and Innovation Horizon 2020 programme.
- Mr Robert Madelin should refrain, during the first two years after leaving the service, from giving advice to clients on specific files which were under the responsibility of his former service during his last three years of service.
- Mr Robert Madelin should refrain, during the first two years after leaving the service from having professional contacts with the services of DG CNECT, and the EPSC.
- Under the provisions of Article 16 (3) of the Staff Regulation, Mr Robert Madelin, as a former senior official, is also not allowed by the Appointing Authority to engage, during the 12 months after leaving the service, in lobbying or advocacy vis-à-vis staff of the Commission on matters for which he was responsible during the last three years in the service.

**End of service: 30 April 2015**

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## **CONCERNS**

Ms Lieve Fransen

Former Director DG EMPL

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## **NEW ACTIVITY**

Advisory Board Member for Plusvalue in Venice, Italy

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## **DECISION**

Ms Lieve Fransen sought authorisation to work as Advisory Board Member for Plusvalue in Venice.

The Appointing Authority gave its approval to Ms Lieve Fransen to carry out this activity subject to the following conditions:

- Ms Lieve Fransen should make it clear to her interlocutors that this activity is carried out in her personal capacity, not representing in any way the position or interests of the Commission.
- Ms Lieve Fransen should, in conformity with Article 16(3) of the Staff Regulations, not engage during the 12 months after leaving the service in any lobbying or advocacy vis-à-vis staff of the Commission on matters for which she was responsible during the last three years in the service as Director for DG EMPL.
- Ms Lieve Fransen should also refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public (Article 17 (1) of the Staff Regulations).