



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
-annual report for 2022

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 (ECA) explains the criteria it applies to ensure the implementation of its obligation and presents its analysis. In this communication, the ECA summaries the related decisions taken.

The ECA 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 after their leaving the service.

The ECA does not only examine 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 ECA 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 in respect of 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 who have left the ECA 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 ECA, or between this activity and the work of their former service or that of the Court, it asks the former official's former department(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 2022, one former senior official left the ECA. He declared no intention to engage in an occupational activity.

End of service: 30.04.2022

Former official

Jose Ortiz Pintor

Former acting Director of the Language and Editorial Directorate

New activity

N/A

Decision

N/A