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(Information)

EUROPEAN PARLIAMENT

GUIDE TO THE OBLIGATIONS OF OFFICIALS AND OTHER SERVANTS
OF THE EUROPEAN PARLIAMENT

CODE OF CONDUCT

(2000/C 97/01)

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OBLIGATIONS OF OFFICIALS AND OTHER SERVANTS

1. The aims of recruitment, as set out in Article 27 of the Staff Regulations, imply that the staff of the European institutions must offer the highest standards of ability, efficiency, and integrity. The fact that Title II of the Staff Regulations is given over to the rights and obligations of officials and other servants suggests that the European Civil Service is bound by its own code of ethics. Further evidence that such a code applies can be found in the preamble to the basic regulation, Regulation No 31 (EEC), 11 (EAEC) of 18 December 1961, in which the Staff Regulations are identified as the legal means of securing independent, upright, competent, and efficient personnel to work for the European Communities. The rules of conduct laid down in the Staff Regulations apply to all staff employed by Parliament.

2. Once they have been appointed, officials and other servants immediately become subject to distinctive legal arrangements affecting both the exercise of their duties and their private lives. Although they enjoy the freedoms accorded to all citizens, they must exercise them without prejudicing the interests of the Community in any way whatsoever. The Staff Regulations thus lay down a whole series of dos and don'ts that constitute obligations extending beyond the sphere of performance of duties and relations with Parliament to encompass life outside work. Infringements are punished by the appropriate authority (the appointing authority or AIPN), where necessary after conducting disciplinary proceedings, and, depending on the seriousness of the case, may result in prosecution. The Directorate-General for Personnel is responsible for ensuring that the rules laid down are properly observed.

3. The object of this code is to set out the professional obligations of officials and other servants based on Parliament's interpretation of the Staff Regulations, the Conditions of employment of other servants (CEOS), and the regulations or instructions deriving therefrom.

4. The code accordingly gives 'directions for use' for the purposes of implementing the relevant provisions as well as invoking the essential principles which every European Civil Servant has to observe. It should be read in conjunction with the Staff Regulations and the related texts. As the Committee of Independent Experts pointed out in its second report, codes of conduct do not constitute formal procedures, but are intended to provide an ethical frame of reference for Civil Servants and other public office-bearers.

I. GENERAL OBLIGATIONS

By virtue of the general obligations applying to them in the exercise of their duties and their private lives, officials and other servants are bound by an obligation as regards independence and an obligation as regards circumspection. These obligations have been established to safeguard the activities and the reputation of the European Union and those working in its service.

A. Obligation as regards independence

1. The obligation as regards independence is an absolute requirement incumbent on European Civil Servants in relation to national authorities, including the States of which they are nationals, political forces, and pressure groups, and also implies that they must act with personal impartiality in order to further the general interest.

2. European Civil Servants must faithfully serve the European Union and the European Union alone: 'they must carry out their duties and conduct themselves solely with the interests of the Communities in mind. They shall neither

seek nor take instructions from any government, authority, organisation or person outside their institution' (Staff Regulations, Article 11).

3. To guarantee such independence, Articles 11, 12, 13, and 14 of the Staff Regulations lay down a system of express authorisation and notification obligations. Since they have to cooperate faithfully with Parliament, officials must, on their own initiative, notify information concerning their personal situation or seek the necessary permission without awaiting action or checks by the Administration.

(a) *Permission to receive honours, decorations, favours, or gifts*

1. Permission has to be obtained from the proper authority before officials may 'accept ... from any [outside] source [whatsoever], any honour, decoration, favour, gift or payment ... , except for services rendered either before their appointment or during special leave for military or other national service and in respect of such service' (Article 11).

2. The above procedure must always be followed whenever the item in question, including gifts or presents, might appear to be or constitute an advantage within the meaning of Article 11 of the Staff Regulations. Officials or other servants wishing to benefit from such an advantage must seek the necessary permission from the proper authority, through the usual channels, using the appropriate form. If, however, the intrinsic value of a gift is less than EUR 100, the recipient does not require authorisation to accept it. When the value involved is above that limit, officials and other servants are advised to discourage outside parties from giving gifts connected in any way with work performed in the line of duty. Those in doubt should contact the Personnel Division for guidance on the correct procedure to observe. The same applies where other provisions of this code of conduct are concerned.

3. Officials and other servants need to be keenly aware of the risks to which they might be exposed, not least from the disciplinary point of view, on account of the aggressive business practices of some companies or possible offers of employment in the private sector after they have left Parliament's service.

4. It follows that, when dealing with the pressure groups or lobbies that keep a close watch on Parliament's activities, officials or other servants must behave in the manner required by the independence of their position and the principle of integrity.

5. Given that Parliament's growing role and powers are attracting interest in certain quarters, officials and other servants need to proceed with the utmost caution whenever the occasion demands. They must accordingly show tact and exercise their judgement⁽¹⁾.

6. Finally, the reference to 'honours' in Article 11 covers any form of reward, including gratuities, that might blur the distinction between private dealings and the responsibilities conferred on an official or other servant.

(b) *Permission to engage in an outside activity*

1. Under Article 12 of the Staff Regulations, officials and other servants must obtain permission from the proper authority when they propose to engage in an outside activity,

(1) The First Protocol to the Convention on the protection of the European Communities' financial interests states that:

'... the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Communities' financial interests shall constitute passive corruption'

(...)

'... the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Communities' financial interests shall constitute active corruption'.

gainful or otherwise, whether or not it is connected with their duties in Parliament. The same applies to persons wishing to carry out an assignment outside the Communities. 'Permission shall be refused if the activity or assignment is such as to impair the official's [or other servant's] independence or to be detrimental to the work of the Communities'.

2. The manner of giving effect to this provision is determined by reference to Article 55 of the Staff Regulations, which stipulates that 'officials and other servants in active employment shall at all times be at the disposal of their institution'. For permission to be granted, the outside activities should not provide more than a subsidiary occupation and source of income, if gainful activity is involved, that could not be considered to constitute normal employment for a person in the country where the activities are carried on. In other words, officials and other servants may not be employed simultaneously in a public and private capacity (authorisation to work as a translator, doctor, nurse, architect, full-time teacher, or typist, or to carry on a business, etc. is invariably refused).

3. The ban on holding two jobs also applies to officials and other servants working part time in accordance with Article 3 of Annex IVa to the Staff Regulations but does not affect those taking leave on personal grounds (Article 40), provided that they conform to the ethos of the European Civil Service (Article 16).

4. When considering whether to grant permission, the appropriate authority takes into account the nature of the activity and the body in which the activity is to be performed, the duration of and timetable for the services, the financial arrangements, and, where applicable, the end results of the activity (for instance publications). Officials and other servants must apply using the appropriate form. Authorisation is given only in respect of a specific activity for one year at a time. If the activity is to continue for more than a year, the official or other servant must submit a fresh application every year.

5. Attendance at conferences or symposia as an official representing Parliament is not affected by Article 12, since authorisation and indeed travel orders are a matter for the Directorate-General concerned. No fees may be paid for attendance in the above capacity.

6. Leisure, charitable, and other activities of the same kind are not subject to authorisation. However, officials and other servants may not engage in such activities unless these are consistent with the principle of independence and the requirement to remain at the disposal of Parliament and entail no adverse consequences for the European Union.

7. An official or other servant who has been permitted to carry on an outside activity may not accept any payment other than refunds of costs related directly or indirectly to that activity.

8. Copyright and other rights in respect of works produced by officials or other servants are excluded from the scope of the above provisions, without prejudice to Article 18 of the Staff Regulations. In cases covered by that Article, the sums received are paid as revenue to the Community budget.

(c) ***Officials and other servants are forbidden to hold interests in undertakings which are subject to the authority of their institution or which have dealings with that institution; consequences of a spouse's gainful employment***

1. Officials and other servants may not hold personal interests likely to conflict with those of the Community or their institution. Accordingly, the Staff Regulations prohibit them from 'keeping or acquiring, directly or indirectly, in undertakings which are subject to the authority of the institution to which they belong or which have dealings with that institution, any interest of such kind or magnitude as might impair their independence in the performance of their duties' (Article 12, second paragraph). The undertakings referred to in this Article are those with which officials or other servants are required to negotiate or conclude contracts or which they supervise.

2. In practice, should officials or other servants be required to negotiate or conclude a contract or supervise an undertaking in which they hold an interest, they must inform the Secretary-General of this fact in writing without delay through their immediate superiors so that they may be relieved of their duties and, where appropriate, transferred. If they did acquire interests in such companies, they could incur severe disciplinary penalties.

3. Given that an official's spouse may retain or acquire interests in undertakings subject to the authority of or having dealings with Parliament and the nature or magnitude of those interests might be such as to impair the independence of the official in the performance of his or her duties, it is important that the official declare the spouse's interests to enable a solution to be found whereby he or she can carry out his or her duties and conduct him- or herself solely with the interests of the Communities in mind, as is required under Article 11 of the Staff Regulations.

4. Where spouses 'are in gainful employment, officials [or other servants] shall inform the appointing authority of their institution. Should the nature of the employment prove to be incompatible with that of the officials [or other servants] and if the officials [or other servants] are unable to give an

undertaking that it will cease within a specified period, the appointing authority may decide that the officials [or other servants] be transferred to another post or be required to resign' (Article 13). The form for declaring a spouse's gainful employment must be completed whenever the spouse changes or leaves a job. The declaration is added to the personal file of the official or other servant concerned.

5. To complete the system of rules in this area, the Staff Regulations stipulate that officials or other servants 'who in the performance of their duties are called upon to decide on a matter in the handling or outcome of which they have a personal interest such as to impair their independence shall inform the appointing authority' (Article 14).

6. The above provision, which is more sweeping than the second paragraph of Article 12, relies on the honesty of officials and other servants by asking them to inform the proper authority whenever their neutrality might be called into question (as might prove to be the case, for instance, if an official or other servant were serving on a disciplinary board or competition selection board that had to deal with a close friend or relative) or their particular circumstances might cast doubt on their impartiality and hence the impartiality of Parliament. In such situations the proper authority determines whether the duties of the person concerned should be changed.

7. Finally, the obligation as regards independence has a personal aspect that is closely connected with the obligation as regards integrity and honesty, i.e. the requirement for officials or other servants to adopt an impartial approach in relation to every action or fact from which they might derive personal benefit because of their duties, even after they have ceased to work for Parliament.

8. Article 16 has been drafted to cover risks of that nature:

'Officials [and other servants] shall, 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.

Each institution shall, after consulting the Joint Committee, specify what posts debar officials [or other servants] who have held them from engaging in any occupation, whether gainful or not, for a period of three years after leaving the service, except in accordance with the following provisions.

During these three years any officials [or other servants] who have held such posts shall be required to inform immediately the institutions to which they belonged during the three years before they left the service of the duties or assignments which they may be called upon to carry out.

The institution shall, after consulting the Joint Committee, notify the persons concerned, within 15 days of being so informed, whether it forbids them to accept such duties or assignments.'

9. The Bureau is the authority responsible for laying down the list of posts to which, for Parliament's purposes, the three-year rule applies.

B. Obligation as regards circumspection

1. The Staff Regulations stipulate that 'officials [and other servants] shall abstain from any action, and, in particular, any public expression of opinion which may reflect on their position' (Article 12, first paragraph).

2. The above provision establishes the general obligation as regards circumspection whereby officials and other servants, while remaining free to express their opinions as the fundamental principles of human rights and citizens' rights allow them to do, must observe a degree of moderation and conduct themselves at all times with a due sense of proportion and propriety.

3. Any failure to observe the obligation as regards circumspection is assessed according to the nature and level of the duties performed and the circumstances, for it is more incumbent on the most senior officials and other servants to show self-control in what they say and write, as well as in their attitudes. A distinction must also be drawn in terms of specific actions, depending on whether they occur in or outside the line of duty or in connection with trade-union activity, in respect of which freedom of expression is guaranteed by Article 24a of the Staff Regulations. Assessment is also based on the amount of publicity given to an expression of opinion or a particular action.

4. The obligation as regards circumspection is different from discretion with regard to facts and information to which officials or other servants have become privy while performing their duties (see point 3).

5. The obligation as regards circumspection does not prohibit officials from participating in public life both as citizens and as elected representatives, but the Staff Regulations lay down provisions concerning two instances, namely standing for election and publication of documents.

6. Although specific reference is made to written material, officials and other servants must not underestimate the consequences of taking part in interviews or appearing on broadcasts on television, radio, or other media. Even though they might have been approached by the media for reasons unconnected with their position, they are advised to inform Parliament whenever possible. On the other hand, if an interview or programme relates directly to their duties, they must be expressly authorised to appear either by virtue of their

job description (relations with the Press) or by decision of their Director-General or the Secretary-General. Every Directorate-General other than DG III should consequently appoint one of its officials to handle relations with the Press in cooperation with the Directorate-General for Information.

C. Obligation as regards discretion

1. Pursuant to Article 17 of the Staff Regulations, 'officials [and other servants] shall exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties; they shall not in any manner whatsoever disclose to any unauthorised person any document or information not already made public. They shall continue to be bound by this obligation after leaving the service'.

2. The duty to exercise discretion relates to the internal proceedings and action of Parliament, the confidential nature of which is thus taken as read. No distinction is made between different forms of disclosure. Those entitled to have access to information are, depending on the matters involved, the superiors and subordinates of officials and other servants, provided that the information is necessary for the performance of their duties, or the body for which they are working (competition selection boards, for example: selection board proceedings may not be notified to the personal superiors of officials or other servants appointed to such selection boards). Officials and other servants must provide full information and not conceal details likely to compromise a procedure. With respect to their superiors, they may not consider themselves the depository for professional secrets. It is only information covered by medical secrecy that may not be revealed to superiors, whoever they might be.

3. In certain situations the duty to exercise discretion may become professional secrecy for certain sectors, bodies, or entities: the information entrusted as secret must then be protected (proceedings of a competition selection board, deliberations of committees when their internal rules of procedure so provide), as must information which has come to the knowledge of officials or other servants in the course of their duties and relates to persons (medical secrecy, family life, or financial or tax affairs). Thus, professional secrecy is a fundamental obligation for all officials and other servants working in the departments responsible for administering the affairs of the Members or staff of Parliament.

4. To underpin this duty to exercise discretion, the permission of the proper authority is required for officials or other servants to 'disclose on any grounds whatever, in any legal proceedings, information of which they have knowledge by reason of their duties'. Permission 'shall be refused only

where the interests of the Communities so require and such refusal would not entail criminal consequences as far as the officials [or other servants] are concerned. Officials [and other servants] shall continue to be bound by this obligation after leaving the service' (Article 19). According to the case-law of the Court of Justice, the proper authority has to give its consent to enable an official or other servant to assist actively in national legal proceedings, for instance to testify as a witness. That authority is obliged to grant permission unless it is entitled to refuse for urgent reasons connected with the need to safeguard the interests of the Communities.

5. However, such permission is not necessary if officials or other servants are required to give evidence before the Court of Justice or a disciplinary board on a matter involving an official or other servant or former official or other servant of the European Union.

(a) ***Situation of officials or other servants who are candidates for elective public office***

1. Officials or other servants who are candidates for elective public office must inform their institution and ensure that a distinction is drawn between their status as candidates and their official duties. They must observe the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties.

2. Allowing sufficient time and in any event not later than the final date for delivery of nomination papers, candidates must apply for leave on personal grounds (Article 15) using the appropriate form. In principle, the leave will commence on the first working day following the final date for delivery of nomination papers and end in the evening of the last working day before the election. Longer leave may nevertheless be taken, up to a maximum of three months or, where appropriate, under the provisions set out below, for a period not exceeding the duration of the shortest official campaign in Member States on the occasion of European elections, that is to say, two weeks. Candidates must apply for leave on personal grounds, the object of which is temporarily to dispense them from the obligation as regards circumspection in order to enable them to exercise the freedom of expression implied in an election campaign, if they are standing in a European election or an election of national importance (to the national Parliament, as the chief candidate on a list for an election to a regional council or for office in a large conurbation, and so forth).

3. Instead of taking leave on personal grounds, candidates may use their annual leave to meet their campaign obligations if they are standing in an election of a type other than those mentioned above, for instance local government elections, in

which the obligation as regards circumspection is a less sensitive issue. The proper authority nevertheless has to determine whether they must take leave on personal grounds on account of the specific nature of the election. Candidates not on leave on personal grounds must behave in a manner consistent with the duties that they are continuing to perform in Parliament.

4. Where officials or other servants are elected, they must immediately inform Parliament so that the proper authority may decide, having regard to the importance of the elective office and the conditions under which it is to be discharged, whether they should continue in active employment or apply for leave on personal grounds. In the latter case, the duration of the leave shall be equal to the term for which the officials or other servants have been elected. To that extent, leave taken for this purpose is different from the leave granted under Article 40.

(b) ***Publications***

1. The second paragraph of Article 17 stipulates that 'officials [or other servants] shall not, whether alone or together with others, publish or cause to be published without the permission of the appointing authority, any matter dealing with the work of the Communities. Permission shall be refused only where the proposed publication is liable to prejudice the interests of the Communities'.

2. Accordingly, the full text of any proposed publication connected with the work of the Communities must be forwarded to the proper authority through the usual channels, together with the appropriate form, and may be published only where express authorisation has been granted. In order to assess the compatibility of a publication dealing with the work of the Communities, the above authority must be able to refer to the opinion of the immediate superiors of the officials or other servants concerned. Should it think fit, it may also request other opinions and is empowered to make an assessment in the light of Parliament's reputation. Officials and other servants must ensure that the authority is given a reasonable period of time in which to take a decision, including, where appropriate, time for the proposed publication to be translated. Authorisation to publish shall be refused only where the text in question is genuinely liable to prejudice the interests of the Communities.

3. As a general rule, officials and other servants are authorised to publish texts on condition that they do not refer to their status and that they indicate that the opinions set out in the text constitute the personal opinion of the author, since this will enable Parliament's image and reputation to be maintained to the greatest possible degree.

4. Outside the service, and in so far as European Union activities are not involved, the general rule is one of freedom and enables officials and other servants to contribute to literary, artistic, or scientific publications and the like. In that event, they are acting in a private capacity and may not mention that they belong to the European Civil Service.

II. SERVICE OBLIGATIONS

It is the task of officials and other servants to serve Parliament by performing the role assigned to them. Several duties derive from this concept of service, namely the duty to be constantly at the disposal of Parliament, the duty of officials and other servants to perform the tasks assigned to them, the duty to comply with the instructions of immediate superiors, the duty to assist and tender advice to superiors, the duty to assist investigating authorities, and the duty of officials and other servants to fulfil their private obligations and comply with the laws and police regulations in force.

A. Duty to be constantly at the disposal of Parliament

1. 'Officials [and other servants] ... shall at all times be at the disposal of their institution' (Article 55). They shall observe official working hours, the normal working week, and arrangements for leave, and may not absent themselves from work without permission or justification.

2. That provision enables Parliament, because of the exigencies of the service and within the limits laid down in Article 56 of the Staff Regulations, to ask officials to work overtime, recall them from annual leave, or cancel the leave authorisation granted.

3. To provide a more effective guarantee that officials and other servants will comply with their duty to be constantly at the disposal of their institution, the Staff Regulations have also introduced a residence obligation, namely: 'officials [and other servants] shall reside either in the place where they are employed or at no greater distance therefrom as is compatible with the proper performance of their duties' (Article 20).

4. Pursuant to that provision, officials and other servants may not ignore the obligation to notify their personal address to Parliament (see form for notifying a change of private address). Notification of a private address enables Parliament to register officials with the appropriate national authorities, with all the material, legal, and practical consequences that such registration entails.

5. Article 60 underpins the provision by requiring officials and other servants to obtain prior authorisation from the proper authority to spend sick leave away from their place of employment. Such authorisation is granted by the authority in question, after consulting the Medical Officer, in respect of a specific period and a specific address. At any time, officials and other servants on sick leave may be required to undergo a

medical examination organised by Parliament. They could face disciplinary proceedings if they refused to allow the examining doctor to carry out such an examination or delayed it on anything other than imperative medical grounds. The absence of officials or other servants who left their place of employment without permission during a period of sick leave would be deemed to be unauthorised.

At the end of the period covered by an authorisation, officials and other servants must return to their place of employment.

B. Duty of officials and other servants to perform the tasks assigned to them

1. 'Officials [and other servants] are responsible for the performance of the duties assigned to them' (Article 21). They must devote themselves to performing the work involved in the posts they occupy and may not transfer responsibility for that work to their colleagues, otherwise they may be dismissed on the grounds of incompetence (Article 51). Even if they feel that a post does not suit them, they remain obliged to perform their duties in their place of employment until such time as a transfer may be granted. The obligation incumbent on officials and other servants to perform the duties assigned to them also implies that they must cooperate with other colleagues and have an understanding of teamwork.

2. The requirement that officials and other servants perform the duties assigned to them is sometimes accompanied by an obligation to wear a uniform. In that case, the uniform is selected and paid for by Parliament.

3. Pursuant to Article 22:

'Officials [or other servants] may be required to make good, in whole or in part, any damage suffered by the Communities as a result of serious misconduct on their part in the course of or in connection with the performance of their duties.

A reasoned decision shall be given by the appointing authority in accordance with the procedure laid down in regard to disciplinary matters.'

Article 22 thus acknowledges the financial liability of officials and other servants in cases of serious personal misconduct and grants unlimited jurisdiction to the Community judicial authorities in disputes arising under this provision.

C. Duty to comply with instructions from and to assist and tender advice to superiors

1. Officials and other servants must perform their duties in accordance with the instructions received. Irrespective of their seniority, they are subordinate to their superiors and subject to the authority of Parliament. Furthermore, 'officials [and other servants], whatever their rank, shall assist and tender advice to their superiors' (Article 21, first paragraph),

which implies active and honest cooperation, informing and explaining, proposing initiatives and solutions, and giving advice clearly. In the performance of their duties, they are to disregard their personal interests.

2. As a corollary to this duty to assist and tender advice, there is also the duty of deference and propriety towards those on whom Parliament has conferred a superior position. The Court of First Instance has ruled that officials and other servants must refrain from conduct prejudicial to the dignity and respect due to an institution and its authorities (judgment of the Court of First Instance of 26 November 1991 in Case T-146/89).

3. The second paragraph of Article 21 stipulates that 'officials [or other servants] in charge of any branch of the service shall be responsible to their superiors in respect of the authority conferred on them and for the carrying out of instructions given by them. The responsibility of their subordinates shall in no way release them from their own responsibility'.

4. Officials and other servants invested with hierarchical authority have the power to give instructions and the obligation to take responsibility for them, both as regards their content and implementation, and may not disclaim such responsibility. They must carry out the instructions of their superiors without fail and may not misconstrue them when doing so. The power deriving from authority also implies that an immediate superior has a duty to listen to his or her subordinates and show concern for their welfare.

5. The duty to comply with instructions from superiors has certain limits: 'Officials [or other servants] who receive instructions which they consider to be irregular or likely to give rise to serious difficulties shall inform their immediate superior, if necessary in writing. If the officials [or other servants] then receive written confirmation of the instructions from their superior, they shall carry them out unless they constitute a breach of criminal law or of the relevant safety standards' (Article 21). Thus, by virtue of this provision, respect for superiors takes precedence unless the irregular instruction constitutes a breach of the law or is in conflict with safety requirements.

6. All officials are in the service of Parliament as such to help it accomplish the tasks conferred on it by the Treaties to the best possible effect. They must therefore act with complete impartiality, fairness, and neutrality, having regard solely to the interests of Parliament and the European Union. Proceeding on that basis and without departing in any way from the laws and administrative regulations governing the organisation and power structure of Parliament's internal hierarchy, they must assist the Members of Parliament and lend every possible

support to enable them to discharge their parliamentary office. Bearing in mind the role, aims, and collective nature of Parliament, they must take the utmost care not to place particular interests above the general interest.

D. Duty to treat colleagues with respect

1. When on duty, officials and other servants must never insult the dignity of colleagues, whatever their rank, by behaving improperly or using aggressive or slanderous language. Such actions or words carry disciplinary penalties.

2. Furthermore, officials and other servants must show consideration for others, be they superiors, colleagues, or subordinates. They are absolutely forbidden to take attitudes of outright discourtesy, for instance by refusing to carry out instructions received or to work with or assist an overworked colleague or reporting for work in a state not befitting the dignity inherent in the performance of their duties.

E. Duty of officials and other servants to exercise their responsibilities as such

The responsibility falling to every official and other servant is of a general as well as individual nature. Solidarity and team spirit must prevail because all are responsible, within their own sphere of activity, for the smooth running of the Secretariat. When a problem comes to light, officials and other servants cannot maintain that they need do nothing about it because it is not covered by their particular job description. For example, faults discovered in any part of a building must be reported immediately.

F. Duty to assist investigating authorities

1. Without infringing personal rights, Parliament must create the climate and guarantee the transparency required to ensure that any problems can be dealt with internally as soon as they arise. For the purposes of administrative inquiries instituted and conducted in the proper form, officials and other servants must cooperate in every way and supply such information in their possession as might be of use for the investigations, supported by any necessary explanations.

2. Similarly, officials and other servants must cooperate closely in the official inspection operations carried out by the Community institutions and bodies empowered to do so, including the Court of Auditors, the Ombudsman, and the European Anti-fraud Office (OLAF), by extending all necessary assistance and supplying information requested in connection with an investigation or inspection.

3. Moreover, in keeping with the institutions' fraud prevention commitments, when officials or other servants learn of evidence giving cause to suppose that cases of fraud, corruption or any other illegal activity, or serious professional misconduct may have occurred, they must inform their immediate superior without delay or, if they consider it useful, the Secretary-General or the Anti-fraud Office directly (Bureau decision of 25 October 1999).

4. The obligation to provide information presupposes that officials or other servants themselves know of factual 'evidence' from which it may be inferred that the cases to which it relates are such that they could become the subject of OLAF investigations. Rumours and conjecture are not evidence. In addition, it goes without saying that anyone who makes a malicious accusation has to take personal responsibility for his or her actions. The interinstitutional agreement also stipulates that, when it emerges that an official or other servant may be personally implicated, he or she must be swiftly informed, provided that it is possible to do so without harming the investigation. In any event, when an official or other servant has been mentioned by name, the corresponding conclusions may not be drawn at the end of the inquiry unless the named party has been given an opportunity to comment on all of the relevant points.

G. Duty of officials and other servants to fulfil their private obligations and comply with the laws and police regulations in force (Article 23)

'The privileges and immunities enjoyed by officials [and other servants] are accorded solely in the interests of the Communities. Subject to the Protocol on Privileges and Immunities, officials [and other servants] shall not be exempt from complying with the laws and police regulations in force.'

H. Protection of officials and other servants

1. To match the obligations incumbent on them, Parliament has a duty to protect its officials and other servants as laid down in Articles 24 and 26 of the Staff Regulations.

2. It must not only assist and defend officials and other servants when they are exposed to threats or insults or when they themselves or members of their families are the victims of an attack on their person or property, but also, showing concern for their welfare as it is required to do, take their legitimate interests into account in all of its decisions.

3. Furthermore, Parliament must preserve the confidentiality of personal files and existing computerised data used in personnel management systems.

III. RELATIONS WITH CITIZENS

1. The European Civil Service has to be both open and accessible to citizens because decisions taken at Community level are having an increasingly direct impact on the various aspects of everyday life.

2. Parliament must consequently take the steps required to enable it to adapt its management style and administrative culture so as to make for better communication with the public.

3. The term 'public' covers all natural and legal persons (European Union citizens, nationals of non-member countries, business circles, and so forth), whether they act individually or through representatives such as lawyers or interest groups.

4. When handling a request or matter in the performance of their duties, officials and other servants shall refrain at all times from practising any form of discrimination on the grounds of nationality, sex, race or ethnic origin, culture, religion, age, language, sexual orientation, or physical condition. They shall likewise take care never to abuse the powers conferred on them when carrying out their duties.

5. Officials and other servants shall behave in a courteous, friendly, and helpful way when dealing with the public. The answers that they give must be prompt, factual, polite, and clear-cut.

A. Administrative openness

1. Whenever an outside person sends a written request to an administrative department of Parliament, its receipt must be rapidly acknowledged, specifying the surname, forename, position, and office address of the person responsible for processing it. These details must appear in all correspondence sent to the applicant. The reply shall be drafted in the official language of the European Union used by the applicant and, in accordance with the Bureau decision of 10 July 1997, given within 45 days.

2. Officials and other servants are not obliged to acknowledge receipt of requests submitted in such numbers or so repeatedly or systematically that they can be said to constitute an abuse.

3. When requests have been sent to the wrong administrative department, the officials or other servants who receive them shall immediately pass them on to the appropriate department and inform the senders of the action taken.

4. In addition to his or her signature, the surname, forename, and position of the person responsible shall be specified in every decision.

5. Officials and other servants must clearly set out the reasons for an unfavourable decision.

6. If it is possible to appeal against a decision, that fact must be clearly stated, together with the full details required to enable an appeal to be lodged.

7. Officials and other servants holding posts that bring them into contact with the public must answer telephone calls and/or electronic messages as quickly as possible. When they are absent from work, messages and calls must be rerouted to the lines and e-mail terminals of the colleagues replacing them and/or on duty. Superiors are responsible for ensuring that services are manned.

8. Officials and other servants working for departments dealing with the public, and in particular the unit responsible for organising open competitions, must answer questions as and when permitted by the procedures laid down by regulation and administrative practices.

9. Unclear or factually incorrect questions must be returned to the senders with a request for further clarification.

B. Access to European Parliament documents

1. Article 255 of the consolidated version of the EC Treaties states that the public has a right of access to European Parliament documents. The Bureau decision of 10 July 1997 published in the *Official Journal of the European Communities* (OJ L 263, 25.9.1997, p. 27) lays down the specific provisions regarding access (Article 255(3)).

2. The right of access applies only to completed documents of a non-confidential nature and does not cover documents drawn up in preparation for a decision. It no longer operates when documents are circulated in the public domain. It does not apply to documents produced in connection with a service contract performed purely for the internal purposes of one or more of Parliament's departments.

3. When a request relates to a document produced by another Community institution or body or any other national or international organisation, the official or other servant responsible for processing it must advise the person making it to apply directly to the institution concerned or other source of the document and, wherever possible, supply the necessary names and addresses.

4. Officials and other servants shall endeavour to find a solution when requests are incomplete or relate to bulky

documents. If necessary, they shall draw senders' attention to the cost of postage.

5. Officials and other servants are not obliged to take action on requests submitted in such numbers or so repeatedly or systematically that they can be said to constitute an abuse.

6. The Secretary-General or his representative shall reply on behalf of Parliament, on a proposal from the bodies or departments concerned.

7. Within 45 days of receiving a request, the official or other servant concerned shall inform the applicant either that the request has been approved or that the appropriate department intends to propose that Parliament reject it. In the latter case, the applicant shall likewise be informed of the reasons for the intention to recommend rejection and the fact that a further request confirming the first may be submitted within not more than 45 days. Should no confirmation be sent, the applicant shall be deemed to have forgone his or her initial request.

8. Should the appropriate department refuse to allow access to a document (within 45 days of confirmation of the request), the official or other servant concerned shall inform the applicant in writing as quickly as possible. The decision must be duly substantiated and specify the means of appeal available, namely application to a court or a complaint to the Ombudsman.

C. Data gathering and information storage

Where Parliament is called upon to gather information or data from the public, that information, barring the express consent of the parties concerned, may be stored to be used only for historical, statistical, or legal purposes once the purpose for which it was compiled has been achieved.

D. Complaints

1. Members of the public are entitled to complain against any infringements of the provisions set out in Section III.

2. A person responsible for handling complaints shall be appointed within the Directorate-General for Personnel under the authority of the Director-General.

3. The person responsible for handling complaints shall inform the Directorates-General concerned of their subject matter and deal with them properly and in accordance with the rules.

CONCLUSIONS

1. Under the Staff Regulations, and in accordance with the intentions of its founders, serving the European Community confers special dignity on officials and other servants, whatever the nature of their duties, the importance of their responsibilities, or their position in the hierarchy. Conversely, it imposes obligations on them and requires conduct commensurate with such dignity. Anyone entering the European Civil Service must be aware of these requirements, laid down solely in the interest of the Community, and understand that the guarantees provided by the Staff Regulations (job security, career structure, pay, welfare benefits for officials and members of their families, including after their death, entitlement to Parliament's assistance and support) are not merely intended to reward work and skills, but are accorded in return for the duties of independence, impartiality, and circumspection, and the loyalty due to Parliament.

2. In establishing this balance of rights and obligations, the legislators wished to protect the Community, in the common interest of the States of which it is made up, from the risk that its officials and other servants might become obligated to persons or forces encountered in Community life. This employment relationship is rooted in the culture and history of the Member States and its specific character distinguished by the spirit of 9 May 1950.
