



EIOPA REGULAR USE  
EIOPA-MB-20-006-Rev1

## **Decision of the Management Board of EIOPA**

### **Adopting Ethics Rules for the staff members of EIOPA**

#### **The Management Board of EIOPA**

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials („Staff Regulations“) and the Conditions of Employment of Other Servants of the European Union („CEOS“), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Title II of the Staff Regulations and Articles 11 and 82 of the CEOS<sup>1</sup>,

Having regard to the Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing the European Insurance and Occupational Pensions Authority (the “Regulation” and “EIOPA”)<sup>2</sup>,

Having regard to the Decision of the Management Board on outside activities and assignments and on occupational activities after leaving the service of 12 November 2018 (EIOPA-MB-18/119) (hereafter “Decision on outside activities”),

Having submitted these Rules to the Commission for its agreement, after consulting the Staff Committee, pursuant to Article 110(2) of the Staff Regulations,

Whereas:

(1) Maintaining high ethical standards is a priority for EIOPA. It is important in retaining the legitimacy of EIOPA’s supervisory role, the integrity of its policy-making and in protecting **EIOPA’s interests and reputation**. Maintaining appropriate standards

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<sup>1</sup> Staff Regulations/CEOS refers to the Staff Regulations of Officials of the European Union (hereafter “Staff Regulations“) and the Conditions of Employment of Other Servants of the European Union (hereafter CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 last amended by Council Regulation (EU) No 1023/2013 of 22 October 2013

<sup>2</sup> Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority)

of behaviour lends credibility to our work and can protect EIOPA and its staff from any malicious allegations.

- (2) The application of ethical standards is essential for EIOPA staff not only when performing their professional duties but also after leaving EIOPA.
- (3) Ethical behaviour flourishes in an environment where leadership is provided by example and where there is a spirit of encouragement and support amongst the staff to meet the highest ethical standards. In most cases, ethics issues can best be handled with a mixture of common sense and open communication. A conflict of interests is not in itself a breach of ethics rules. It may only become so if not handled appropriately.
- (4) Any actual or potential conflict of interests should be promptly identified, handled, removed or mitigated without delay.
- (5) It is very important that all staff members are well acquainted with this Decision ("Ethics Rules"). Implementation of these Ethics Rules falls under personal responsibility as a member of staff. Staff members should also be aware of the fact that breaches of the obligations set out in the provisions of the Staff Regulations/CEOS and their implementing provisions can be subject to disciplinary action. In addition, staff members could be held personally financially liable for their actions in some instances.
- (6) In order to enhance awareness of their obligations and the importance of these high ethical standards, staff members are requested to submit in their pre-recruitment phase and annually a Declaration of Interests. Taking the sensitivity of EIOPA's mandate and competencies in the financial sector, all interests declared can be a potential source of conflict of interests, independently of the grade or category of the staff members. In addition, ad-hoc situations of conflict of interests should be declared promptly by using the appropriate form.
- (7) These Ethics Rules are complemented, among others, by the Decision of the Management Board (EIOPA-MB-18/119) on Outside Activities and Assignments and Occupational Activities After Leaving the Service\_ "Decision on outside activities and the Decision of the Executive Director on Working Instructions on the prevention and management of conflicts of interests of staff and other parties (hereafter "Working Instructions")<sup>3</sup>.

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<sup>3</sup> All EIOPA's decisions and policies mentioned in these Rules can be consulted in EIOPA's InCiderNet, under Internal Governance. Useful information can be also found at MyIntracomm:  
[https://myintracomm.ec.testa.eu/hr\\_admin/en/staff-regulations/Pages/index.aspx](https://myintracomm.ec.testa.eu/hr_admin/en/staff-regulations/Pages/index.aspx)

## **HAS ADOPTED THE FOLLOWING DECISION:**

### **Section 1 – General provisions**

#### **Article 1 - Purpose**

1. The main purpose of these Ethics Rules is to **clarify** the existing ones on ethics and integrity included in the Staff Regulations/CEOS, EIOPA's Anti-fraud measures and the Code of Good Administrative Behaviour, and to assist staff in better understanding how to apply them in their daily work. These Ethics Rules therefore highlight some aspects of the CEOS/Staff Regulations and other relevant documents, setting out some general principles, providing references to the Staff Regulations, and some practical advice.
2. In order to facilitate the identification of potential conflicts of interests, based on Articles 11 and 11a of the Staff Regulations, these Ethics Rules also lay down the obligation to submit declarations of interests to the candidates before being recruited and to staff members annually.<sup>4</sup>

#### **Article 2 - Definitions**

1. A "Conflict of Interests" ("CoI") is a conflict between the public duty of EIOPA and the private interests of an individual, which could improperly influence/impair the performance of his/her official duties and responsibilities or could compromise or reasonably be perceived to compromise his/her impartiality, objectivity or independence. A CoI can thus be current or it may be found to have existed in the past. A CoI could arise in a number of ways. A non-exhaustive list of cases and examples is provided in Annex I.

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<sup>4</sup> When complying with this obligation to declare interests, the staff member is also applying Articles 11 and 11a of the Staff Regulations which set out the obligation for the candidate to inform the appointing authority of any actual or potential conflict of interest, and for the staff member to inform the appointing authority of any personal interest such as to impair his independence.

However, it is important to note that informing the appointing authority of the interests, does not discharge the staff member from immediately informing of any other actual or potential conflict of interests, under Articles 11 and 11a of the Staff Regulations. It does not discharge him either from the obligations set out in Article 12b and 13 of the Staff Regulations, which refer to the obligation to obtain the authorisation of the appointing authority before engaging in any outside activity and to the obligation to inform the appointing authority of the gainful employment of the spouse.

2. "Personal Interest" means the relation of being objectively concerned in something, (e.g. by having a right or title thereto, a claim thereupon or a share therein) falling within fields of competence of EIOPA that create or having the potential to create a CoI.
3. "Spouse/Partner": While spouse usually means the person to whom one is married, Article 1(d) of the Staff Regulations states that: "for the purposes of the Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2) (c) of Annex VII are fulfilled<sup>5</sup>."
4. "Interests of close family member" means interests in the subject matter held by spouses/partners<sup>6</sup> or persons dependent on the individual.

### **Article 3 – Persons concerned and actors**

1. These Ethics Rules apply to all temporary<sup>7</sup> and contract agents, regardless of grade or category, hereafter referred to as EIOPA "Staff (members)".
2. The Appointing Authority is the Executive Director<sup>8</sup>. He/she is the one deciding on the declarations submitted for the activities covered by these rules. The Appointing Authority might delegate some of his/her powers to Line Managers and/or the Ethics Officer.
3. The Ethics Officer provides guidance to staff on issues related to these rules<sup>9</sup>. In addition, he/she (a) assesses, and keeps a record of, the declarations submitted for the activities covered by these rules; (b) reports on an annual basis his/her activities to the Appointing Authority.
4. Line managers are informed and/or consulted in case actual and/or potential conflicts of interests concerning their staff are identified and measures to mitigate the conflict might be required.
5. EIOPA staff members shall comply with the Staff Regulations/ CEOS, these Ethics Rules and all related decisions and policies. They have the obligation to inform EIOPA

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<sup>5</sup> It follows from this that the definition of spouse under Article 13 of the Staff Regulations covers also persons in stable non-marital partnerships, provided that the requirements of Article 1(2)(c) of Annex VII to the Staff Regulations are fulfilled. The couple should not have access to legal marriage in a Member State; the partnership should be legally recognised by a Member State; neither partner should be in a marital relationship or in another non-marital partnership; and the partners should not be related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law.

<sup>6</sup> As defined in Article 2(3) of these Rules

<sup>7</sup> Chairperson and Executive Director included

<sup>8</sup> The Board of Supervisors for the Chairperson and Executive Director

<sup>9</sup> For any questions or clarifications relating to the Ethics Rules, staff should refer to EIOPA's Ethics Officer (ethicsofficer@eiopa.europa.eu).

in due time of any potential or actual conflict of interests, using where appropriate the forms/declarations (see Annexes).

6. The Joint Committee (established pursuant to Article 9 of the Staff Regulations) is consulted by the Appointing Authority in accordance with the Decision of the Executive Director in the appointment and functioning of the Joint Committee (EIOPA-2019-528).
7. The Advisory Committee on Conflict of Interests (ACCI)<sup>10</sup> shall be involved in the assessment of the declaration of EIOPA's Chairperson and Executive Director, and in potential ethics issues regarding them, assuming the role of the above mentioned Joint Committee in the relevant cases.

#### **Article 4 – General principles of professional ethics**

1. All staff members shall carry out their duties and conduct themselves solely with the public interest of the European Union and of EIOPA in mind. Incumbent with that is the obligation to adhere to the principles of the European Civil Service as among others reflected in the Staff Regulations/CEOS.
2. Staff shall demonstrate loyalty to EIOPA and independence when participating in any decision-making by serving the European public interest and not any other interests whether private or as a result of pressure from any source.
3. Staff shall help EIOPA to meet the highest standards of transparency and accountability. Staff shall act in a manner that will bear the closest public scrutiny.
4. Staff shall serve the public interest of the European Union with competence, integrity and responsibility, in accordance with the highest professional standards.
5. Staff shall communicate and behave in a way that will not reflect negatively on EIOPA. Staff should behave at all times with a due sense of proportion and propriety, discretion and circumspection, always bearing in mind the image and the reputation of EIOPA.
6. The duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits, as well as the duty of professional secrecy shall continue when Staff leave EIOPA.

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<sup>10</sup> Its composition is defined in the Working Instructions.

## **Section 2 – Conflict of interests**

### **Article 5 – General principles on conflict of interests**

{Staff Regulations:Title II; EIOPA Financial regulation, Article 42}

1. Staff members shall not, in the performance of their duties, deal with a matter in which, directly or indirectly, they may have any personal interests such as to impair their independence as this would compromise or reasonably be perceived to compromise the impartiality and objectivity of a decision, opinion or recommendation of EIOPA.
2. Relevant personal interest may notably be of a financial or non-financial nature and it may also concern a personal or family relationship, any representation of any other interest of third parties or a community of interests with any third parties, any professional or economic affiliation, as well as any other outside activities leading to the situation described under Section 3 of this Decision.
3. The appearance of a CoI can constitute a reputational risk to EIOPA, even if turns out to be unsubstantiated. Therefore, taking due consideration of proportionality, specific backgrounds, all relevant facts and mitigating circumstances, a risk of perceived conflict of interests should be treated as if it were an actual conflict of interests.
4. It is the responsibility of all staff members to ensure that their conduct is in line with the rules regarding the CoI in both letter and spirit. Each staff member of EIOPA shall assume an individual responsibility by declaring in good faith his/her conflict of interests and information to EIOPA in compliance with the provisions of this decision and of the Staff Regulations.
5. EIOPA staff conduct shall be professional and impartial at all times. Staff shall not be biased in favour of any third party<sup>11</sup>. Staff shall be especially vigilant in this regard with respect to contacts with outside parties who may have an interest in EIOPA's policymaking and supervisory processes, and accepting gifts from them.
6. It is the obligation of the individual to provide immediately the information of the existence of the potential or actual CoI to EIOPA, using, where possible, the relevant form (see Annex II – List of declarations).
7. In case of doubts or need of assistance, staff should discuss the matter with the Ethics Officer and/or the Appointing Authority.

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<sup>11</sup> See also the [Code of Good Administrative Behaviour](#) for EIOPA's staff. Art. 8: "EIOPA staff members shall be impartial and independent. EIOPA staff members shall abstain from any arbitrary action adversely affecting members of the public, as well as from any preferential treatment on any ground whatsoever. (footnote 8) EIOPA staff members shall not be guided by any outside influences of whatever kind, including political influences, or by personal interests."

## **Article 6 – Obligation to declare conflicts of interests**

1. Each individual is responsible for the declaration of actual or potential conflict of interests, before recruitment, after returning from unpaid leave, and spontaneously when becoming aware of any potential competing interest, in specific cases provided in the following provisions.
2. In cases where the declaration shows a potential or actual conflict of interests, it shall be managed as soon as possible and solved, where relevant and possible, before the staff member takes up/resumes his/her duties.
3. Where a conflict of interests comes to light that staff has failed to declare, it could give rise to a reasonable doubt as to whether staff has acted impartially in the best interests of EIOPA. Cases of failure to comply with the obligations under the Staff Regulations might lead to disciplinary measures.
4. The Working Instructions describes thoroughly the procedure for their submission and assessment, as well as the process regarding breaches or omissions.

## **Article 7 – Pre-recruitment and return from unpaid leave**

{Staff Regulations: Article 11}

1. Before recruitment or taking up duties in EIOPA or returning from unpaid leave, the Appointing Authority shall examine whether the candidate/staff member has any personal interest(s) such as to impair his/her independence, requiring mitigating measures.
2. To that end, candidates/ staff members shall submit the declaration of interests using **Annex A - Annual Declaration of Interests<sup>12</sup>** and, where relevant, **[Annex E - Declaration regarding the gainful employment of spouse or partner.](#)**
3. This declaration shall not relieve the staff member from her/his obligation to declare ad-hoc situation of conflict of interests as further explained below.

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<sup>12</sup> It is important to note that declaration of an activity in a declaration of interests form does not exempt a staff member from the obligation to obtain prior permission from the appointing authority before engaging in an outside activity according to Article 12b of the Staff Regulations. In case an activity has already been authorised under Article 12b of the Staff Regulations, the Staff Member shall indicate so in the declaratoin of interests.

## **Article 8 - Annual Declaration of Interests**

{Staff Regulations: Article 11a}

1. In order to identify possible conflicts of interests, all staff members shall submit annually a Declaration of Interests (see [Annex A - Annual Declaration of Interests<sup>13</sup>](#)) that shall be assessed in the light of EIOPA's mandate and the interest of the Union, taking into consideration the responsibility and position of the staff member at EIOPA.
2. This declaration shall not relieve the staff member from her/his obligation to declare ad-hoc situation of conflict of interests as further explained below.

## **Article 9 - Ad hoc declarations of conflict of interests**

{Staff Regulations: Article 11a(1)-(2)}

1. As foreseen in Article 11a of the Staff Regulations, staff members shall notify any ad hoc situation of possible risk of conflict of interests, even an appearance of conflict of interests, not covered by the annual declaration, by submitting [Annex B Ad hoc Declaration of Conflict of Interests](#).
2. Members of Selection Panels in recruitment procedures shall submit before taking up their duties the declaration on conflict of interests and confidentiality using Annex L – Selection Panel of recruitment campaign.

## **Article 10 - Dealing in financial instruments**

{Staff Regulations: Article 11a(3)}

1. Dealing includes purchases, sales, subscriptions, acceptance of take-over or other offers and all other acquisitions or disposals of financial instruments, or any rights or interests in financial instruments. Off-market dealings and transfers of financial instruments as gifts are also considered dealing. Transfer of financial instruments as a gift to a spouse/partner<sup>14</sup> or minor child shall also be declared.
2. In the case of dealing in financial instruments of insurance undertakings, reinsurance undertakings, financial conglomerates, institutions for occupational retirement provision and insurance intermediaries, or their group companies, given EIOPA's regulatory and supervisory responsibilities, it is particularly important that any appearance of a conflict of interests is avoided. Staff shall therefore submit to the Appointing Authority the form [Annex C - Request for clearance to deal in](#)

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<sup>13</sup> See footnote 12.

<sup>14</sup> As defined in Article 2(3)

**financial instruments** before beginning the process of dealing and shall wait until they have received clearance.

3. Staff should be aware that insider dealing (profiting through the acquisition or sale of securities from non-public information, or encouraging others to do so) is illegal. Insider dealing is defined in the Market Abuse Directive<sup>15</sup>. It constitutes a criminal offence in Germany, carrying penal sanctions.

### **Article 11 - Spouse's or partner's professional activities**

{Staff Regulations: Article 13}

1. In case the staff spouse or partner<sup>16</sup> has a professional activity, the staff member shall submit, before recruitment or during her/his service the appropriate form (**Annex E - Declaration regarding the gainful employment of spouse or partner**) to the Ethics Officer.
2. In other situations of partnership, it is for the staff to assess whether an appearance of conflict of interests exists. S/he might require the advice of the Ethics Officer.
3. The Joint Committee is consulted in case mitigating measures are required.

### **Article 12 - Gifts**

{Staff Regulations: Article 11; Internal procedures on handling gifts received by EIOPA Staff (EIOPA-12-351)<sup>17</sup>}

1. A gift<sup>18</sup> can be any physical object, a sum of money, transport costs<sup>19</sup>, invitations to entertainment, cultural or sporting events or any other non-food hospitality offered to staff in their capacity as members of EIOPA staff.
2. As a general rule of thumb, it is recommended that staff decline all offers that have more than merely symbolic value (such as diaries, calendars, small desk items, etc.). Offers of sums of money shall always be refused.
3. As stipulated in the Staff Regulations (Article 11), staff shall not accept gifts (including favours or donations) from any source outside EIOPA without obtaining prior permission from the Appointing Authority.

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<sup>15</sup> [Directive 2003/6/EC of 28 January 2003 on insider dealing and market manipulation \(market abuse\)](#)

<sup>16</sup> As defined in Article 2(3)

<sup>17</sup> <http://intranet/internal%20procedures/Ethic%20and%20staff%20conduct/individual%20obligations/EIOPA-12-351-Handling-gifts.pdf>

<sup>18</sup> Please also consult the Intracomm website for further guidance: <https://myintracomm.ec.europa.eu/staff/EN/staff-conduct/individual-obligations/conflict-of-interest/Pages/gift.aspx>

<sup>19</sup> See also Article 15 - Missions

4. Prior permission by the Appointing Authority is presumed granted for a gift worth up to €50.
5. For gifts valued between €50 and €150, staff shall obtain permission from the Line Manager by presenting him/her an application for authorisation to accept a gift or favour (See [Annex F - Application for authorisation to accept a gift or favour](#)). The Ethics Officer shall be consulted.
6. More expensive gifts shall in principle be refused. For the sake of transparency, the staff member should inform his/her Line Manager and the Ethics Officer, preferably in written form, that the gift has been offered and refused.
7. In exceptional cases defined by the interest of the service, the acceptance of more expensive gifts can be presented to the Appointing Authority for his/her approval , if for example the refusal of a gift would be contrary to social, courtesy or diplomatic usage or might create otherwise embarrassing situations.
8. As part of EIOPA's culture, gifts accepted shall be collected and distributed to EIOPA staff during the Christmas staff tombola in accordance with the Procedure on handling gifts received by EIOPA Staff.

### **Estimation**

9. It may not always be clear whether a gift has a value of more than the set limits and whether it may be accepted or not. The question to consider in such a situation is whether accepting the gift could compromise staff's autonomy, independently of its value. Staff should also consider the origin of the gift, and whether its acceptance could be seen to compromise their independence.

### **Article 13 - Hospitality<sup>20</sup>**

{Staff Regulations: Article 11 }

1. Hospitality is defined in the COM Guidelines on Gifts and Hospitality. It concerns, for example, an offer of food (business meals such as lunches, dinners), drink, accommodation<sup>21</sup> and/or entertainment, cultural or sporting events from any source outside EIOPA.
2. As a general rule, staff shall not accept any hospitality. If acceptance could be envisaged, staff should assess that the invitation complies with their obligation to act impartially, in the EU interest and for the public good.

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<sup>20</sup> Please also consult the Intracomm website for further guidance:  
<https://myintracomm.ec.testa.eu/staff/EN/staff-conduct/individual-obligations/conflict-of-interest/Pages/gift.aspx>

<sup>21</sup> See also Article 15 - Missions

3. Invitations to all types of hospitality which could be perceived as excessively generous or issued at very frequent intervals by a single source shall always be refused.
4. Prior permission by the Appointing Authority is presumed to be granted for:
  - a. hospitality in the form of business meals offered when participating in work-related events, such as conferences/meetings/trainings/college-meetings, strictly linked to the exercise of staff's duties, and as such not prejudicial to the interests and public image of EIOPA, and in which the staff participates in agreement with his/her hierarchy and in the interest of the service;
  - b. occasional offers of simple meals, refreshments, snacks, etc.
5. Invitations to other business meals paid for by third parties are to be considered carefully. Such hospitality should be in the interest of the service and strictly necessary to fulfil professional duties. Individual invitations to business meals while on a country visit or performing supervisory activities received by the concerned institution shall be refused.
6. Authorisation from the Appointing Authority shall always be sought before accepting business meals that:
  - a. fall under paragraph 6 above;
  - b. exceed a cumulative value of €150 from a single source in one year<sup>22</sup>.
7. Staff shall obtain permission from the Line Manager by presenting him/her an application for authorisation to the favour (See [Annex F - Application for authorisation to accept a gift or favour](#)). The Ethics Officer shall be consulted.
8. In case of doubt, staff should inform his/her Line Manager of any such invitation and discuss whether to accept or not.

#### **Article 14 - Contacts with stakeholders**

{Staff Regulations: Articles 11 and 17 and 17a; Code of Good Administrative Behaviour: Article 8; EIOPA's procedures on external communications activities<sup>23</sup>}

1. Staff has wide discretion in deciding whom to meet, and EIOPA should remain an open and accessible institution. Indeed, contacts with stakeholders are a part of EIOPA's everyday work. It is important for EIOPA to conduct a dialogue with a wide variety of interest groups and listen to their views. However, EIOPA staff shall not

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<sup>22</sup> Hospitality valued between €50 and €150 must be notified to the Line Manager as described in Article 12.

<sup>23</sup> <http://intranet/internal%20procedures/Communication/ExternalCommunicationsPolicyProceduresRevisedClean.pdf>

be unduly influenced by any stakeholder or group of stakeholders or give the impression that the advice of one stakeholder is favoured over another.

2. When a conflict of interests is identified, staff shall immediately inform the relevant Line Manager and the Ethics Officer. In case of doubt, the Appointing Authority shall be consulted.
3. EIOPA's procedures on external communications activities includes all the necessary information relating to contacts with stakeholders, the media and the public in general<sup>24</sup>.

### **Article 15 – Missions**

1. Staff shall comply with the provisions of EIOPA's Guide to Missions and Authorised Travel adopted by the Management Board on 19 March 2018 (EIOPA-MB-18/011).
2. Accommodation and/or travel costs may be covered by a third party only where an event is organised by a Union institution, public authority and administration. If going on mission to speak at a conference, a staff member should be aware that s/he may not under any circumstances accept any remuneration (payment and/or gifts) that is offered in exchange for any work done, and bear in mind the abovementioned rules concerning the acceptance of gifts and hospitality.

### **Article 16 - Procurement procedures**

{EIOPA's Financial Regulation, Article 42}

1. If a staff member is involved in a procurement procedure he/she shall be aware of, and respect, all relevant provisions of the Financial Regulations as well as the financial circuits applicable inside EIOPA.
2. The persons appointed as a member of the opening board and/or evaluation committee for the award under procurement procedures shall fill out **[Annex D – Declaration of absence of conflict of interests and confidentiality - procurement procedures](#)**.
3. Staff shall avoid becoming involved in any part of a procurement procedure where they have a personal stake or any other interest (e.g. family interest) in any of the potential beneficiaries.

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<sup>24</sup> <http://intranet/Pages/HowDoICommunication.aspx>

## Section 3 – Obligations related to outside activities

### Article 17 –Outside activities whilst in active employment<sup>25</sup>

{Staff Regulations: Article 12b, 15 and 17a; Decision on outside activities}

1. The Decision on outside activities defines outside activities as "any activity, paid or unpaid, that is not part of the staff member's duties, including those covered by a mission order or an authorisation to travel for work-related reasons such as giving a speech or a presentation, and cannot reasonably be considered a hobby or leisure activity".
2. Staff shall request the approval to exercise outside activities at least 2 months before starting these activities by submitting the Declaration – [Annex G – Application for authorisation of outside activities.](#)
3. Permission shall be refused if the activity or assignment in question is such as to interfere with the performance of the staff member's duties or is incompatible with EIOPA's interests.
4. Prior permission shall be requested for assignments or outside activities which are pursued in a professional or similar capacity (e.g. lawyer, economist, accountant, computer expert, engineer, interpreter, consultant etc.).
5. Prior permission shall be requested for assignments or activities for firms and companies whose objects are commercial, even if the staff's relationship with the company or firm in question entails no remuneration or purely nominal remuneration.
6. Staff shall refer to their outside activities, potential mitigating measures and the date of approval of the Appointing Authority in their Annual Declaration of Interests. Approval for new activities shall be requested separately.

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<sup>25</sup> Active employment: definition Article 36 Staff Regulation. Publications and public office activities are handled under Section 4

## Remuneration

7. The maximum annual ceiling for net remuneration, including any fees, which staff may receive in connection with all his/her assignments or outside activities combined is currently set at €10.000 (after taxes).

### **Article 18. Outside activities whilst on unpaid leave on personal grounds or activities after leaving EIOPA**

{Staff Regulations: Articles 11a, 16, 17, 40; CEOS: Articles 17, 52, 91; MB Decision of 19 November 2015 on measures concerning unpaid leave for temporary and contract staff of the EU (EIOPA-MB-15/073)<sup>26</sup>; Decision on outside activities }

#### **A. Leave on personal grounds and outside activities whilst on unpaid leave on personal grounds**

1. Leave on personal grounds (hereafter "LPG") is an administrative status which may be granted to temporary and contract agents at their own request (Article 40 of the Staff Regulations and Articles 17, 52 and 91 of CEOS)<sup>27</sup>.
2. Staff on LPG are not considered former staff, as they are entitled to reintegration. Thus, they are subject to the same obligations as staff in active employment, in particular those established in articles 11, 11a, 12, 12a, 13, 15, 16, 17 and 17a of the Staff Regulations. They are therefore subject to the relevant provisions of the Decision on outside activities.
3. Professional activities could be allowed during LPG and shall be authorised in advance, by submitting [Annex G – Application for authorisation of outside activities](#).
4. Permission shall not be granted for the purpose of engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis EIOPA and/or which could lead to the existence or possibility of a conflict with the legitimate interests of EIOPA.
5. Staff shall supply the Appointing Authority with all relevant information required to make an informed decision as to whether the requested activity might conflict with EIOPA's interests. The Appointing Authority, in granting permission to engage in occupational activities, may impose conditions, taking into account the nature of each area, which it considers necessary to ensure that staff complies with their obligations. The Appointing Authority will take a case-by-case approach. If, for example, a staff member requests LPG to take a job in the private sector, the Appointing Authority may refuse or impose any restrictions that it reasonably sees

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<sup>26</sup> [http://intranet/internal%20procedures/HR/Annex%20I\\_Model%20decision%20on%20unpaid%20leave%20EIOPA%20-%20SIGNED.pdf](http://intranet/internal%20procedures/HR/Annex%20I_Model%20decision%20on%20unpaid%20leave%20EIOPA%20-%20SIGNED.pdf)

<sup>27</sup> For details, see the Decision of the Management Board of 19/11/2015 on the measures concerning unpaid leave for temporary and contract staff (EIOPA/MB/15/073).

appropriate, depending on the staff member's previous employment history in EIOPA.

## **B. Leaving EIOPA and activities after leaving EIOPA**

6. Staff leaving EIOPA remain, without any time limit, subject to the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits, as stated in Article 16 of the Staff Regulations.<sup>28</sup>
7. Article 70 of EIOPA's founding Regulation states that the obligation on professional secrecy applicable to EIOPA staff shall remain applicable even after their duties have ceased.

### **General obligation**

8. Staff members leaving EIOPA shall sign a declaration acknowledging that s/he is aware of their continuing obligations to EIOPA [[Annex J – Declaration of Honour for Staff Leaving the service](#)].

### **Intention to engage in an occupational activity**

9. When a staff member intends to engage in an occupational activity, whether gainful or not, within two years of leaving EIOPA s/he is required to submit to the Appointing Authority the form [[Annex K – Application for Authorisation of occupational activities after leaving the service](#)] at the latest 30 working days before the envisaged starting day. If such an activity is related to the work carried out by the staff at EIOPA in the last three years and could lead to a conflict with EIOPA's interests, the Appointing Authority can either forbid it or approve it subject to any condition before<sup>29</sup> and after<sup>30</sup> leaving EIOPA. Cases are assessed case-by-case. The Joint Committee shall be consulted in such cases.
10. Before<sup>31</sup> the end of the contract of the staff member, EIOPA, as soon as it has been informed and if there is a risk of conflict of interests, might take mitigating measures such as the immediate withdraw of access to confidential information and/or relieving of the member of staff from responsibility for the relevant matter (delegation).
11. Regarding envisaged activities up to two years after having left EIOPA, EIOPA might impose restrictions, up to and including forbidding the taking up of an activity, considering the past role and responsibility of the staff during the past three years at EIOPA, his/her future role and the sector of the intended activity.

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<sup>28</sup> Engagement in an occupational activity is required to be submitted to the Appointing Authority within two years of leaving EIOPA (see points 9 – 14).

<sup>29</sup> According to Article 11a of the Staff Regulations

<sup>30</sup> According to Article 16 of the Staff Regulations

<sup>31</sup> According to Article 11a of the Staff Regulations

- 12.If necessary for the assessment, staff could also be required to supply all relevant information regarding their employment history of the last three years at EIOPA and future employer in order to allow the Appointing Authority to make an informed decision as to whether the requested activity may be allowed.
13. As indicated above, this obligation of seeking permission for future employment is valid for a period of two years following departure.
- 14.The Working Instructions describe the procedure, the criteria and potential mitigating measures.

### **Lobbying and Advocacy ban**

- 15.In addition, senior managers (i.e. the Chairperson and the Executive Director), are prohibited, in principle during the 12 months (and up to two years) after leaving EIOPA, from engaging in lobbying or advocacy vis-à-vis staff of EIOPA for their new business, clients or employers on matters for which they were responsible during the last three years in the service.
- 16.The Appointing Authority may decide on a case-by-case to impose the same prohibition on middle managers and other staff members for a period of minimum 6 months after leaving the service or a cooling-off period. However, this does not apply if the staff member leaves to a National Competent Authority, as defined in EIOPA's Regulation.
- 17.Information on EIOPA's senior managers' professional activities following their departure from EIOPA is made publicly available in EIOPA's website, including:
  - The post occupied and the duties carried out by the manager concerned during his/her last 3 years of service at EIOPA;
  - The date of departure from EIOPA;
  - A brief description of the new activity and the future employer (if known);
  - The decision by the Appointing Authority under Article 16(3) of the Staff Regulations possibly imposing a lobbying and advocacy ban.

18.Publication of the above information takes place annually.

19.For the purpose of the Ethics Rules as well as the Decision on outside activities, lobbying and advocacy activities mean:

### **Lobbying activities**

20.Activities conducted, directly or indirectly, by the former staff member, which aim to influence staff working at EIOPA in:

- a) the decision-making processes of EIOPA, in particular in relation to the formulation or implementation of regulations, rules or standards

b) any other activities under the scope of competence of EIOPA in accordance with its founding Regulation and sectoral legislation,

in the interest of the party (e.g. organisation, association, firm, body or person) at which the former staff member is currently employed or provides professional services, or intends to be employed with or provide professional services, irrespective of the legal status of the party or of the professional relationship.

21. For this definition:

'*Directly influencing*' means influencing by way of a direct contact or communication with the staff working for EIOPA or other action following up on such activities.

'*Indirectly influencing*' means influencing through activities not conducted directly by the former staff member vis-a-vis the staff of EIOPA but on which he/she is involved, e.g. managing a team of people who will conduct those activities, or designing such activities, or providing advice to the organisation for which he/she works or provides professional services.

### **Advocacy activities**

22. Activities conducted by the former staff member of EIOPA which relate to EIOPA's scope of action and intend to influence the work or the public perception of EIOPA, and which are carried out via media outlets, meetings, conferences, campaigns, social events or similar.

## **Section 4 – Obligations related to publications and public office**

{Staff Regulations: Articles 15 and 17a}

### **Article 19 - Publications**

1. Staff members, wishing to publish or to have published, either on their own or with other parties, a document, such as an article or a book, on anything dealing with their work or EU matters generally, shall inform the Appointing Authority in advance.
2. Article 17a of the Staff Regulations states that "an official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality". This right, however, should be understood together with the obligations laid down in articles 11 and 12 of the Staff Regulations regarding the "duty of loyalty to the Communities" and the obligation to refrain from "any action or behaviour that might reflect adversely upon [a staff member's] position".
3. The staff member concerned shall submit the declaration [[Annex H – Publication](#)] and provide the Appointing Authority with any information, in particular a copy, in electronic form, of the document he/she intends to publish. This shall be accompanied by a summary of the document to be published, in electronic form, in EIOPA's working language.

4. Without prejudice to Article 17a of the Staff Regulations, the staff member, when publishing on EU matter, shall indicate in the document he/she wants to publish that he/she is writing under his/her own name, engaging himself/herself and not the responsibility of the any EU institution or body. The staff member is obliged to observe the rules concerning non-disclosure of information and the confidentiality requirement<sup>32</sup> on EU matters or related to his/her work in EIOPA (as required under Article 17 of the Staff Regulations).
5. Activities such as giving speeches, making presentations or participating in conferences, when carried out in the framework of a mission, are not considered outside activities but missions.
6. By way of exception, royalties received for publications, as well as any payment received in connection with the work in public office shall be excluded from the calculation of the net remuneration referred to in the Decision on outside activities.

### **Article 20 - Public office**

In the event that a staff member wishes to stand for public office, he/she shall submit the form referenced [Annex I – Declaration of candidature for public office](#) to the Appointing Authority.

## **Section 5 – Illegal activities - Reporting wrongdoings**

### **Article 21 - Illegal activities - Reporting wrongdoings**

{Staff Regulations: Articles 22 and 22a; Decision of the Management Board of 10 February 2010 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Union’s interests (EIOPA-MB-11/042)<sup>33</sup>; Decision of the Management Board of 11 March 2019 adopting implementing rules laying down guidelines on Whistleblowing (EIOPA-MB-19/025)<sup>34</sup> (hereafter “Decision on whistleblowing”)}

1. If, in the course of, or in connection with the performance of their duties, staff becomes aware of any information having a bearing on any other staff member, which may be detrimental to the interests of EIOPA, they shall immediately report it.

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<sup>32</sup> See Article 21

<sup>33</sup> This decision establishes the procedures to be carried out by EIOPA staff members during internal investigations on these matters, ensuring fully cooperation with OLAF as described in the present Rules: [http://intranet/internal%20procedures/Ethic%20and%20staff%20conduct/individual%20obligations/MB\\_Decision\\_Anti-fraud\\_Measures.pdf](http://intranet/internal%20procedures/Ethic%20and%20staff%20conduct/individual%20obligations/MB_Decision_Anti-fraud_Measures.pdf)

<sup>34</sup> [http://intranet/Shared%20Documents/Documents%202019/04.0\\_EIOPA-MB-19-025\\_MB%20Decision%20on%20Whistleblowing.pdf](http://intranet/Shared%20Documents/Documents%202019/04.0_EIOPA-MB-19-025_MB%20Decision%20on%20Whistleblowing.pdf)

2. The obligation of reporting wrongdoings should be understood to cover issues such as leaking of sensitive information, misuse of resources, fraud and corruption, as well as any fact pointing to possible illegal activity or a serious failure to comply with the professional obligations of EIOPA staff.
3. The decision on whistleblowing includes all the necessary information relating to reporting wrongdoings that might adversely impact on EIOPA's interests and the different reporting channels.
4. Every whistle blower who complies with the conditions set in the applicable rules shall be protected from any action of retaliation.

## **Section 6 – Non-compliance with the Ethics Rules**

### **Article 22 - Ex-post treatment of situations of non-compliance with the obligations under the present rules**

1. Any failure by staff members of EIOPA to comply with his/her obligations under these rules, whether intentionally or through negligence on his/her part, shall make him/her liable to disciplinary measures, in accordance with the provisions of the Staff Regulations and the CEOS.
2. If the concerned person was involved in a decision-making procedure or drafting of an instrument without having declared an interest, the Appointing Authority may undertake remedial actions, in particular to request the ACCI to review the instrument.
3. Staff should be aware that Article 22 of the Staff Regulations states that they could be required to make good, in whole or in part, any damage suffered by the Union as a result of serious misconduct in connection with the performance of their duties. A staff member's financial liability could be invoked if he/she has caused serious financial damage or is guilty of deliberate misconduct or gross negligence.

## **Section 7 – Confidentiality, personal data, transparency**

### **Article 23 - Confidentiality and Security**

{Staff Regulation: Articles 16 and 17; EIOPA Security Policy<sup>35</sup>; Decision of the Management Board on the Protection of Information Systems and Information (EIOPA-

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<sup>35</sup> [I:\Governance & Organisation\10\\_EIOPA Internal Book of Procedures\01\\_Endorsed\POLLSO35\\_EIOPA Security Policy.pdf](I:\Governance & Organisation\10_EIOPA Internal Book of Procedures\01_Endorsed\POLLSO35_EIOPA Security Policy.pdf)

MB-14/034)<sup>36</sup> (hereafter “Decision on the Protection of Information Systems and Information”)}

## **A. Confidentiality**

1. Staff is subject to strict professional secrecy obligations under Article 16 of the Staff Regulations and the EIOPA Regulation, as well as sectoral legislation or confidentiality agreements, even when their duties have ceased.
2. EIOPA staff is expected to:
  - observe absolute confidentiality concerning EIOPA’s affairs, other than as required to perform their usual duties;
  - keep information confidential, even if it is favourable and not adverse to a particular financial institution;
  - take particular care in casual, social or other contact with journalists, financial institutions and individuals and other people operating in the financial markets; and
  - seek guidance if uncertain as to whether confidential information can be disclosed.
3. EIOPA’s affairs include all aspects of EIOPA’s duties, activities, committees, stakeholder and working groups, whether or not related to particular financial institutions. In case of doubt, please contact your Line Manager, the Legal Team or the Ethics Officer.

## **B. Security and Sensitive information**

4. Staff should comply with the provisions of EIOPA Security Policy as well as its implementing procedures and working instructions.
5. Staff should assign security classification levels to EIOPA originated information according to the Decision on the Protection of Information Systems and Information.
6. Staff should always protect the sensitive information they have been entrusted with and disseminate it only on a need-to-know basis.

### **Article 24 - Personal data protection**

EIOPA ensures that any processing of personal data necessary in the context of these Ethics Rules shall be performed in compliance with 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 Union institutions and agencies and the free movement of such data. All the information listed in

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<sup>36</sup> <I:\Corporate Support\Administrative Support\Internal Procedures\Security\EIOPA Rules\MB Decision.>

Articles 15 and 16 of Regulation (EU) 2018/1725 is provided in the Privacy Statement annexed to these Rules (Annex III).

### **Article 25 - Transparency**

1. EIOPA shall publish on Incidernet these rules as well as the Working Instructions in a clear and easily identifiable manner.
2. All the declarations made by staff members shall be recorded by EIOPA's Ethics Officer. This will enable EIOPA to demonstrate, if necessary, that a specific conflict of interests has been appropriately identified and managed.

### **Article 26 - Final provisions**

1. Any permission granted by the Appointing Authority pursuant to a declaration submitted by staff members shall be limited to the specific situation described in the declaration and cannot be extended to any other similar situations.
2. Any change of the initial situation described in the declaration and approved by the Appointing Authority shall be considered as a new situation and shall be brought to the attention of the Appointing Authority.
3. The Executive Director may adopt working instructions to facilitate the implementation of the present Decision.
4. These rules shall come into force on the date of their adoption and shall repeal the Decision of the Executive Director on EIOPA's Ethics Rules (EIOPA-19/155) and on EIOPA's Procedure on Independence and Decision Making Processes regarding Declarations of interests for staff and other contractual parties (EIOPA-13-480\_Rev2).

Done in Frankfurt on 18 February 2021



Gabriel Bernardino

Chair of the Management Board

## **Annex I – Sources of CoI (non-exhaustive list and examples)**

- a) **Economic interest**, meaning any economic stake or share in a body, in particular in any financial institution carrying out any of the activities falling under EIOPA's scope of action (as defined in Article 1(2) and 1(3) of Regulation (EU) No 1094/2010), including stocks, equities or bonds thereof, or of one of its subsidiaries or of a company in which it has a holding (direct and indirect).

This does not include deposits or personal insurance policies contracted as a regular customer with the exception of saving life insurance products.

Direct holdings in saving life insurance products, including unit linked, which amount to a value above 10,000 EUR per institution are to be considered, as well as direct holdings in credit institutions which amount to a value above 10,000 EUR per institution or comparable amounting to a voting right of 5% or more in a credit institution (notwithstanding their financial value) and indirect holdings which amount to a value above 10,000 EUR per holding are to be considered. This includes UCITs that are mainly (> 50%) invested in the financial sector.

- b) **Membership of a managing body or equivalent structure**, meaning any participation in the internal decision-making body of a public or private entity (e.g. board membership, directorship) with an interest in the subject matter.
- c) **Employment**, meaning any form of regular occupation or business, part-time or full-time, paid or unpaid, including self-employment (e.g. consultancy), in any body with an interest in the subject matter. Employment by industry shall mean any form of employment by any legal or natural person carrying out any of the activities on which EIOPA's outputs impact directly or indirectly, or a trade association of such person.  
So, for example, a senior member of EIOPA management seeking to take up a senior management role in a significant insurance undertaking or in an industry association would be likely to be prevented from doing so for a period of between six months and two years, with restrictions on contacting EIOPA for between one and two years, depending on the assessment of risk of conflicts with EIOPA's interests.
- d) **Ad hoc or occasional consultancy**, meaning any ad hoc or occasional activity in which the concerned person provides advice or services to undertakings, trade associations or other bodies with an interest in the subject matter. This includes also services provided on an honorary basis (i.e. for free or without the payment of fees or emoluments) and any advice related to products, their development and/or assessment methods thereof.
- e) **Intellectual property rights**, meaning rights on the subject matter granted to creators and owners of works that are the result of human intellectual creativity<sup>37</sup> and may lead to a financial gain.

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<sup>37</sup> E.g. patents, trademarks *etc.*

- f) **Other memberships or affiliations**, meaning any membership or affiliation not falling under the definitions provided above and relevant for the purposes of the present decision, to anybody with an interest in the subject matter, including professional organisations.

## **Annex II - Declarations**

{InCiderNet: Internal Governance / Ethics & Staff Conduct / Individual Obligations}

ANNEX A – DECLARATION OF INTERESTS

ANNEX B – AD-HOC DECLARATION OF CONFLICT OF INTERESTS

ANNEX C - REQUEST FOR CLEARANCE TO DEAL IN FINANCIAL INSTRUMENTS

ANNEX D – DECLARATION OF ABSENCE OF CONFLICT OF INTERESTS AND  
CONFIDENTIALITY - PROCUREMENT PROCEDURES

ANNEX E – DECLARATION REGARDING THE GAINFUL EMPLOYMENT OF  
SPOUSE OR PARTNER

ANNEX F - APPLICATION FOR AUTHORISATION TO ACCEPT A GIFT OR FAVOUR

ANNEX G – APPLICATION FOR AUTHORISATION OF OUTSIDE ACTIVITY

ANNEX H - APPLICATION FOR AUTHORISATION - PUBLICATION

ANNEX I – DECLARATION OF CANDIDATURE FOR PUBLIC OFFICE

ANNEX J – DECLARATION OF HONOUR FOR STAFF LEAVING THE SERVICE

ANNEX K – APPLICATION FOR AUTHORISATION OF OCCUPATIONAL ACTIVITIES  
AFTER LEAVING THE SERVICE

ANNEX L – DECLARATION – SELECTION BOARD – RECRUITMENT CAMPAIGN

## **Annex III – Privacy Statement**



EIOPA-DPO-18-025  
30 January 2019

### **Privacy statement related to EIOPA's Ethics Rules**

#### **Introduction**

1. EIOPA, as a European Authority, is committed to protect individuals with regard to the processing of their personal data in accordance with Regulation (EU) No 2018/1725 (further referred as the Regulation).<sup>38</sup>

#### **Controller of the data processing**

2. The controller responsible for processing your data is EIOPA's Executive Director.
3. Address and email address of the controller:  
Westhafenplatz 1, 60327 Frankfurt am Main, Germany  
[fausto.parente@eiopa.europa.eu](mailto:fausto.parente@eiopa.europa.eu)

#### **Contact details of EIOPA's Data Protection Officer**

4. Westhafenplatz 1, 60327 Frankfurt am Main, Germany  
[dpo@eiopa.europa.eu](mailto:dpo@eiopa.europa.eu)

#### **Purpose of processing your personal data**

5. Your personal data are collected and processed in order to enable EIOPA to:
  - Ensure the independence and high standards of professional conduct by all EIOPA staff, which is crucial for EIOPA's excellence and reputation;

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<sup>38</sup> 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 and Decision No 1247/2002/EC

- Identify, handle, remove or mitigate without delay any actual or potential conflict of interests (CoI).
6. Your data will not be used for any purposes other than the reasons specified above. Otherwise you will be informed accordingly.

#### **Legal basis of the processing and/or contractual or other obligation imposing it**

7. Articles 11, 11a, 12b, 13, 16 and 17 of the EU Staff Regulations.

#### **Personal data collected**

8. The personal data processed are the ones provided by staff in the Declarations they submit to the Appointing Authority and the Ethics Officer in fulfilment of their obligations provided in EIOPA's Ethics Rules.

#### **Recipients of your personal data**

9. Your personal data could be disclosed to:
- The Appointing Authority (Executive Director);
  - The Ethics Officer (E.O.);
  - The Assistants of the Ethics Officer and the Appointing Authority;
  - Line Managers, Team Leaders and Joint Committee (where relevant);
  - The Advisory Committee on Conflict of Interests (ACCI);
  - EIOPA's HR Unit;
  - EIOPA's Internal Audit Service as well as EIOPA's legal team and external lawyers;
  - Regarding EIOPA's Chair and Executive Director: in addition to the E.O. and his/her Assistant, the Senior Legal Counsel, one dedicated member of the Management Board and one of the Board of Supervisors (together with the ACCI);
  - Also, if appropriate, access will be given to the European Ombudsman, the Civil Service Tribunal, the European Court of Auditors and the European Anti-Fraud Office (OLAF).
10. Declarations of Interests of EIOPA's Chairperson and Executive Director are available on EIOPA's website.

#### **Transfer of personal data to a third country or international organisation**

11. No personal data are sent to a third country or an international organisation in the context of this processing activity.

## Retention period

12. For temporary and contract agents 5 years after the discharge of the last budgetary year in which they worked for EIOPA.
13. In case of a legal challenge, the above dates shall be extended to two years after completion of all relevant proceedings.

## Profiling

14. No decision is taken by EIOPA in the context of this processing operation solely on the basis of an automated processing of your personal data.

## Your rights

15. You have the right to access your personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate.
16. You have the right to request the erasure of your personal data, as well as object to or obtain the restriction of their processing.
17. You have the right to withdraw your consent to the processing of your personal data at any time.
18. For the protection of your privacy and security, every reasonable step shall be taken to ensure that your identity is verified before granting access, or rectification, or deletion.
19. Should you wish to access/rectify/delete your personal data, or receive a copy of them/have it transmitted to another controller, or object to/restrict their processing, please contact the Ethics Officer.
20. Any complaint concerning the processing of your personal data can be addressed to EIOPA's Data Protection Officer (DPO@eiopa.europa.eu). Alternatively you can also have at any time recourse to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)).