

BEUC welcomes the European Ombudsman proposal¹ for a statement of public service principles for civil servants as a tool to inspire and guide EU officials in their daily activities and in the formulation of policies. Below our comments on each principle identified in the draft statement. Although these principles could be considered to be obvious, BEUC regrets to have evidence on cases of their non-respect that we can provide whenever requested by the Ombudsman.

Commitment to the EU

EU officials are there to serve the interests of EU citizens. All their actions should be oriented towards obtaining what is best for the people of Europe. They should promote and defend the public interest against private and specific interests.

The European Commission should confirm this commitment by incorporating the ethical principles and the European code of good administrative behaviour in the Staff or in the Financial Regulation or adopting them in a separate binding legislation.

The respect of ethical principles should also be an assessment criterion during the EU officials' annual performance evaluation.

Integrity

EU officials should prove integrity during their mandate and also when leaving office. The recent case of the former Executive Director of the European Medicines Agency² who took up various positions in different pharmaceutical companies and consultancies after stepping down from his post showed that stricter rules and better enforcement are necessary to preserve integrity. In this respect we consider that Art.16 of the Staff Regulation should be further clarified and detailed with a minimum set of criteria to be applied when assessing potential conflicts of interest. The assessment should be made all along the office term. We also believe that all EU officials in management position - i.e. Head of Unit and above - should fill in and make publicly available a declaration of conflict of interest.

Objectivity

EU officials should be objective both in the formulation of policies and in their daily tasks.

Objectivity in the formulation of policies can be proven by basing decisions on sound evidence and on complete information. One of the main sources of evidence and information for EU officials is the impact assessment (hereafter IA). When conducting research in view of the IA EU officials should be impartial both in the commissioning and in the design of the research in order to avoid any bias. IAs are valuable policy making tools if they respect the following conditions to guarantee their impartiality:

- give due attention to the social dimension and to the general consumers interests;
- address the obvious problem of measuring what is very difficult to measure, for example non-economic impacts such as impacts on health and safety;
- tackle the problem of inequality of resources in terms of submitting data between stakeholders (e.g. economic operators and NGOs);
- ensure transparency with regard to sources of data;
- guarantee the exhaustive inclusion of available or at least commissioned data;
- provide – whenever possible – feedback to those who submitted input³.

¹ <http://www.ombudsman.europa.eu/en/resources/otherdocument.faces/en/10111/html.bookmark>

² - EMA Press Release on Activities of former EMA Executive Director Thomas Lönngren, March 2011.

- BEUC, EPHA, Alter EU open letter to Commissioner Dalli on Conflict of interest for former EMA Executive Director Thomas Lönngren, February 2010.

³ BEUC position on Smart Regulation, X/42/2010.

Objectivity is particularly relevant when involving stakeholders considering that EU officials are exposed to the pressure of different interest groups. In this context being objective means also weighting the various input received against the general interest and strike the balance between commercial and public interest taking into account that private interested parties might have at their disposal more resources (financial, human, information etc) than others. This is particularly important also when examining the results of public consultations. In this respect we think it is urgent that the Institutions reconsider their consultation procedures and consult on them, including on the consultation period which we consider not sufficient despite it will be extended from 8 to 12 weeks in 2012. It must be noted that often there are multiple consultations usually during holiday periods (e.g. Christmas, summer) making it even more difficult for those who are interested to contribute. In addition, EU umbrella organizations, which are usually one of the largest groups of organizations to respond, require more time to consult their national members and prepare a common position. Objectivity in the daily work means giving all stakeholders the same possibility to express their views both in public and in bilateral meetings and also avoiding granting some a more privileged access to information (e.g. leaked documents) than to others.

Respect to others

EU officials should show respect to all stakeholders and to the views they express both in bilateral and in public meetings. They should adopt attitudes that show objectivity and respect including for example not interrupting a public speech to express disagreement. They should also respond to letters and requests from the public within a reasonable period of time. We have numerous examples of letters sent to the Commission which never received an answer and others which had a partial answer only many months later. The EU institutions should implement a system whereby they at least acknowledge the receipt of the message and indicate the time frame in which they will respond.

Transparency

All the decisions of EU officials should be transparent and be substantiated with solid arguments. Transparency should be granted when consulting stakeholders, when assessing the evidence and all along the decision making process, including in the negotiations between Institutions. For example, in relation to the negotiations of the Anti-Counterfeiting Trade Agreement (ACTA) the European Parliament itself adopted a resolution which criticises the Commission for lack of transparency during the process and for failure of ACTA to comply with the EU acquis in the field of IPR Enforcement⁴. Transparency also implies full compliance with the Regulation on Access to documents for all EU Institutions. In this regard we congratulate the Ombudsman for the decisions regarding transparency of the European Medicines Agency and of the European Banking authority⁵.

⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0058+0+DOC+XML+V0//EN>

⁵ - Decision of the European Ombudsman closing his inquiry into complaint 2560/2007/BEH against the European Medicines Agency.
- Decision of the European Ombudsman closing his inquiry into complaint 2497/2010/FOR against the European Banking Authority (formerly the Committee of European Banking Supervisors).