

Code of conduct for Commissioners and departments (18 September 1999)

Caption: At its first meeting on 18 September 1999, the Prodi Commission adopts a code of conduct governing relations between the Commissioners and their departments.

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Code of conduct for Commissioners and departments

The principles

Relations between Commissioners (their Offices) and departments shall be based first and foremost on loyalty and trust.

Commissioners shall assume full political responsibility. Directors-General shall be answerable to their Commissioner for the sound implementation of the policy guidelines laid down by the Commission and the Commissioner. They shall be responsible for the efficient operation of their Directorate-General in compliance with the distribution of powers and responsibilities laid down in the Staff Regulations, the Financial Regulation, the Commission's Rules of Procedure and the rules laid down in SEM 2000 and MAP 2000.

Beyond these general principles, Commissioners' Offices and departments shall work hand-in-hand in accordance with the following guidelines.

The Office: the Commissioner's personal staff

1. The Commissioner's Office shall first and foremost help to ensure that the principle of collective responsibility operates correctly by keeping the Commissioner informed about matters outside his or her own area of competence. In this connection it shall play an active role in the preparation of Commission meetings and ask questions and express points of view on behalf of the Commissioner on the items tabled for a decision. It shall also inform departments about the Commission's proceedings especially when they have a direct impact on the departments' own activities.
2. While avoiding any overlapping with the work of the departments, the Office shall assist the Commissioner with the content and the policy priorities of his or her portfolio. It shall take part in the major stages of policy formulation by consulting the departments on the priorities set. It shall ensure that priorities and programming are complied with. This monitoring function shall be performed on an across-the-board basis by the member(s) concerned without any direct reflection of the structure and organisation chart of the Directorate-General in question.

The Office shall inform departments about decisions taken by the Commissioner.

It shall make the preparations for securing political agreement by the Commission at the final decision-making stage.

3. In the interests of efficiency the Chef de cabinet and the Director-General shall keep each other fully informed about contacts with the outside on matters falling within the portfolio.
4. The members of the Office shall represent the Commissioner at political level outside the institution, in accordance with the Commissioner's instructions. Technical matters falling within the Commissioner's policy area should preferably be handled by departments in order to prevent any duplication of effort.
5. The Commissioner's Office shall act solely in the interests of the institution in performing its tasks.

Departments

1. Departments shall implement the priorities and policy guidelines set at political level. To this effect, they shall prepare an annual work programme. They shall keep their Commissioner informed and consult him or her when a political option is required before a management decision can be taken.

2. They shall help to prepare the policy guidelines the Commissioner has to set, by proposing strategy options, advising the Commissioner on individual political decisions and providing all the necessary background information.

3. They shall provide the Commissioner with information, reporting on any important event in departments, in the Member States or in international bodies which might have an impact on the management of his or her portfolio or his or her position within the Commission. In accordance with the arrangements laid down, they shall provide all the information the Commissioner requires in his or her work, such as speaking notes or briefs.

Departments' contacts with the outside shall be coordinated with the Commissioner and his or her Office.

The basic rules

In order to ensure that the institution operates as efficiently as possible, these principles shall be applied in accordance with the following rules.

1. Policy implementation

In order to ensure effective collaboration and optimum management of the flow of information between Commissioners' Offices and departments, the working arrangements must be laid down as soon as the Commissioner takes office.

The Director-General shall organise and coordinate the work of departments in accordance with the guidelines laid down by the Commissioner.

Mission statement

The Commissioner shall determine the general policy line for his or her area of responsibility, including the "negative priorities", within the Commission's overall policy framework. In close consultation with the Director-General, this policy line shall then be set out in a mission statement. This mission statement shall be drawn up in the first month of the Commission's term and shall be sent to the President for information; it shall be adjusted regularly as the situation changes.

The Director-General shall assume full management responsibilities on this basis. The Director-General may ask the Commissioner for written confirmation.

Working arrangements and information channels

Working arrangements and information channels shall be laid down in the first month of the Commission's term of office by the Director-General and the Chef de cabinet, who will ensure that they are endorsed by the Commissioner. A copy of these arrangements shall be sent to the President's Chef de cabinet for information.

These rules must comply with the principles of accountability, decentralisation, effectiveness, information and non-interference and cover the following areas:

— *Organisation of frequent and regular meetings between the Directorate-General and the Commissioner. At the very least a strategic meeting should be held once a month.*

— *Channels for requests from the Commissioner and the departments' replies:*

Contact points must be established for political issues and for routine management matters. Decisions will

also have to be taken at the start of the term of office on the arrangements for setting deadlines and for transmitting replies. In the interests of simplification and assumption of responsibility, it is suggested that routine replies, i.e. those involving the Directorate-General's known and established position, should be sent direct by the Unit Head (or Director) to the member of the Office handling the matter with a courtesy copy to the central contact point. Replies involving the determination of a new position or altering a position previously held and those on matters considered sensitive shall be sent by the Director-General to the Commissioner (or, where appropriate, to the Chef de cabinet).

— *Arrangements will also be made for sharing between the Commissioner's Office and departments responsibility for:*

- ~ Handling correspondence addressed to the Commissioner;
- ~ Producing files or briefs and preparing speeches;
- ~ Dealing with requests for files or speeches from other Commissioners;
- ~ Representing the Commissioner and making travel arrangements.

To safeguard the organisational structure and the information and coordination channels set up, requests sent by a Commissioner's Office to a department for which it is not responsible should in principle go via the Office of the Commissioner responsible. Similarly, departments will, as a rule, refrain from contacting other Commissioners' Offices direct; where they do so they will inform their own Commissioner's Office of these contacts.

Launching new initiatives and inter-departmental consultations

Before launching any initiative other than on purely routine management matters, the Director-General shall first secure the agreement of the Commissioner, especially if initiating inter-departmental consultations.

On matters of major importance joint meetings of DirectorsGeneral and Chefs de cabinet may be held.

2. Management of human resources

The guiding principle is that the general rules laid down by the Commission in MAP 2000 and in the specific code of conduct on changes to organisation charts shall apply in full:

- For **non-management staff** appointments shall be the responsibility of the Director-General, acting in conjunction with the Directorate-General for Personnel and Administration as regards the official instruments.
- For appointments of **Unit Heads and Advisers**, the Director-General shall conduct the selection procedure and choose the most appropriate candidate. He shall inform the Commissioner and, unless there is a reasoned objection, he shall launch the appointment procedure in accordance with the MAP 2000 rules.
- Appointments to **A1 and A2 posts** shall be made in accordance with the specific rules adopted by the Commission.
- **Vacancy notices for management posts** (A1, A2 and Unit Heads) shall be published within no more than three months from when the post falls vacant.

Management of administrative appropriations

There shall be strict demarcation between the Directorate-General and the Commissioner's Office in the management of its appropriations, for items such as mission expenses, entertainment expenses, etc.

3. Referral to the President

Should the Commissioner and the Director-General disagree on the application of this code or differ in their interpretation of its contents, they may refer the matter to the President.